At the same time, Joan's mother, Mrs. Clem Blonien, and others in the Milwaukee suburb of Wauwatosa began to organize fundraising projects to help support the three Americans and their small staff of unskilled Montagnard assistants. The parish of the church of St. Jude the Apostle founded a Joan Blonien Club which helps buy much-needed food and medical supplies for the hospital. The ladies' auxiliary of the Knights of Columbus Council in Wauwatosa began to send medical supplies to Kontum.

These women face conditions often more primitive than those on our own frontiers over a century ago. The life expectancy of the Montagnard is under 30 and three-fourths of the children die before they reach maturity. Dr. Smith and her assistants have only the most rudimentary equipment—no X-ray machines and a chronic lack of medicine, even vitamins. They desperately need help.

The hospital is completely nonsectarian. Dr. Smith said on a CBS "Twentieth Century" program recently:

> We're not here to convert anyone to a political system or even a religious faith.

Their job is dangerous, but they are saving lives and winning hundreds of new friends for America. They deserve all the help the American Government and people can give them. I am sure I speak for my State, Mr. President, when I say Wisconsin is proud of them.

These nurses need the kind of help the AID program in Vietnam and our massive military program should be able to provide; and I intend to do all I can to help them get it.

I am telling the Senate today of what these three remarkable women have done because I hope other Members of Congress and Americans throughout the country will also help these three American women in their great mission of mercy.

SCHOOL MILK PROGRAM NEEDS RAPID ACTION

Mr. PROXMIRE. Mr. President, yesterday the House Rules Committee received a request from the House Agriculture Committee for an early hearing on H.R. 13361, a bill which, among other things, extends the special milk program for schoolchildren for an additional 4 years.

This legislation may be scheduled for action on the floor of the House in the near future. Its passage is essential if school administrators around the Nation are to have any firm assurance that the school milk program will continue to operate after June 30, 1967.

The school milk program provides midmorning and mid-afternoon milk breaks to the Nation's schoolchildren with the help of Federal funds. By providing an inexpensive supply of "nature's perfect food," it greatly aids the child from poorer families to receive the nourishment which is so essential if he is to perform adequately both in and out of school.

There is no disagreement on the value of this program. The administration has abandoned its earlier suggestion that the program be cut by 80 percent. Sixty-seven of my colleagues in the Senate have endorsed my bill to extend the program. Now all that remains is for Congress to speak by giving final approval to legislation extending the program. I hope we will do this in the very near future.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. LONG of Louisiana. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 10 o'clock a.m., tomorrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p.m.) the Senate recessed until Friday, August 5, 1966, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 4 (legislative day of Aug. 3), 1966:

FOREIGN SERVICE

The following-named Foreign Service officers for promotion from the class of career minister to the class of career ambassador:

Foy D. Kohler, of Ohio.

Douglas MacArthur II, of the District of Columbia.

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

Richard H. Davis, of the District of Columbia.

G. McMurtrie Godley, of the District of Columbia.

Marshall Green, of the District of Columbia.

William Leonhart, of West Virginia.

Henry J. Tasca, of the District of Columbia.

Leonard Unger, of Maryland.

EXTENSIONS OF REMARKS

Dr. Peter G. Berkhout

EXTENSION OF REMARKS

OF

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1966

Mr. JOELSON. Mr. Speaker, it is with a profound sense of deep regret and loss that I inform the House of the recent death of a man who, to many people in my State and throughout the country, was a source of inspiration and leadership.

Dr. Peter G. Berkhout, of Paterson, N.J., was the epitome of a well-founded, scholarly man. Educated first to be a minister, then to be a doctor of medicine, Dr. Berkhout maintained a consistent and ever-increasing interest in astronomy, music, education, theology, and many other fields.

Dr. Berkhout was not only a doctor of medicine, administering to the needs of the body; he was also interested in the mind and spirit of his fellow man. He was a member of the board of trustees of Calvin College in Grand Rapids, Mich., a member of the board of directors of the Eastern Christian School Association—the largest private school system in the State of New Jersey—and a leading member of the Paterson Rotary Club.

To his wife and family I offer my deepest expression of sympathy and consolation, and I share with our community in the great loss that we all have experienced.

The memory of Dr. Peter G. Berkhout will always remain as that of a man who, steadfast to his beliefs, selflessly and unfailingly served his community to the full measure of his ability.

SENATE

FRIDAY, AUGUST 5, 1966

(Legislative day of Wednesday, August 3, 1966)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

The Right Reverend Monsignor Denis Patrick Wall, pastor, St. Bede's Catholic Church, Clapham Park, London, United Kingdom, offered the following prayer:

We give thanks to God that He has given us this day. We ask Him that we may use it as He would have us use it.

Help us, Lord, to think and to speak and to act as You would have us to think and to speak and to act.

Help us to see ourselves as You see us.

Help us to love others as You love us.

Help us to understand others as You understand us. Help us to understand even those who oppose us.

Help us to act as You would have us act—help us to know that when we act, we act for You. Help us to know that all we have, that all we are, is from You, and not for us, but for those whom You have given us.

We pledge to You that, with Your help, we will act as You would have us act; we will be as You would have us be; we will seek to be as You are. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 5, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. PROXMIRE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, August 4, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

AUTHORIZATION TO THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LANDS AND IMPROVEMENTS THEREON TO THE UNIVERSITY OF ALASKA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1391, S. 3421.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3421) to authorize the Secretary of Agriculture to convey certain lands and improvements thereon to the University of Alaska.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of Agriculture is authorized to determine and to convey by quitclaim deed and without consideration to the University of Alaska for public purposes all the right, title, and interest of the United States in and to the lands of the Alaska Agricultural Experiment Station, including improvements thereon, and such personal property as may be designated, located at Palmer and Matanuska, Alaska.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1426), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill provides for the transfer of the Alaska Agricultural Experiment Station to the University of Alaska. As part of the transition to statehood, the experiment station should become the responsibility of the State and be operated in the same manner as other State experiment stations.

UNEMPLOYMENT INSURANCE AMENDMENTS OF 1966

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is H.R. 15119.

The Senate resumed the consideration of the bill (H.R. 15119), to extend and improve the Federal-State unemployment compensation program.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Louisiana?

There being no objection, the Senate proceeded to the consideration of executive business.

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE NAVY AND MARINE CORPS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations in the Marine Corps and in the Navy.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

The legislative clerk proceeded to read sundry nominations in the Marine Corps and in the Navy.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. LONG of Louisiana, and by unanimous consent, the Senate resumed the consideration of legislative business.

TRANSACTIONS OF ROUTINE BUSINESS

By unanimous consent the following routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13277) to amend the Revised Organic Act of the Virgin Islands to provide for the reapportionment of the Legislature of the Virgin Islands; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. O'BRIEN, Mr. ROGERS of Texas, Mr. SAYLOR, and Mr. MORTON were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7327) to amend a limitation on the salary of the Academic Dean of the Naval Postgraduate School, and it was signed by the Vice President.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON TORT CLAIMS PAID BY GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, reporting, pursuant to law, on tort claims paid by the General Accounting Office, during the fiscal year ended June 30, 1966; to the Committee on the Judiciary.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct

of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. MONRONEY and Mr. CARLSON members of the committee on the part of the Senate.

REPORTS OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SYMINGTON, from the Committee on Armed Services, with amendments:

H.R. 14088. An act to amend chapter 55 of title 10, United States Code, to authorize an improved health benefits program for retired members and members of the uniformed services and their dependents, and for other purposes (Rept. No. 1434).

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mrs. SMITH:

S. 3694. A bill to authorize an exchange of lands at Acadia National Park, Maine; to the Committee on Interior and Insular Affairs.

THE UNEMPLOYMENT INSURANCE AMENDMENTS OF 1966—AMENDMENT

AMENDMENT NO. 727

Mr. JAVITS (for himself and Mr. HARTKE) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program, which was ordered to lie on the table and to be printed.

INDEPENDENT OFFICES APPROPRIATION BILL, 1967—AMENDMENTS

AMENDMENTS NOS. 728 THROUGH 731

Mr. PROXMIRE submitted four amendments, intended to be proposed by him, to the bill (H.R. 14921) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1967, and for other purposes, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of July 28, 1966, the names of Mr. BURDICK, Mr. LONG of Missouri, and Mr. MCCARTHY were added as cosponsors of the bill (S. 3662) to establish a price support level for milk, introduced by Mr. MCGOVERN (for himself and other Senators) on July 28, 1966.

ADDITIONAL COSPONSOR OF BILL

Mr. TALMADGE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from North Carolina [Mr. ERVIN] be added as a cosponsor of the bill (S. 3641) to amend the Internal Revenue Code of 1954 to allow teachers to deduct expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHOOL MILK AUTHORIZATION, APPROPRIATION ESSENTIAL

Mr. PROXMIRE. Mr. President, milk, in addition to being nature's perfect food, is a highly perishable commodity. For this reason milk production must provide a certain amount of surplus above anticipated needs if we are to be sure that fluid milk will be available to meet any excessive demand that may develop. This is simply because we cannot use fluid milk produced last week or last month to meet current demand. We cannot store fluid milk as we can so many other commodities such as wheat and beef.

This surplus milk naturally tends to drive down the price received by the dairy farmer for the supply always exceeds estimated demand. The Congress has attempted to alleviate this problem in several ways. One is the milk price support program. A second is the milk marketing order program which permits the creation of controlled-price markets. A third is the special milk program for schoolchildren which was originally conceived of as a way to utilize surplus milk production although it is now considered primarily as a child nutrition program.

Today we are seeing an increasing exodus from the dairy farm because the farmer is receiving insufficient prices for his milk. The administration has attempted to remedy this by increasing the support price under the price support program to $4. In addition the controlled price for fluid milk in milk marketing orders has been increased in many instances. However a third important step is to adequately fund the school milk program and insure the continuance of the program past June 30, 1967.

Both the House and the Senate have acted to provide funds for the program for fiscal 1967. I hope that House-Senate conferees will meet soon to resolve differences between the House and Senate figures. In addition the Senate has passed legislation extending the program for 4 years. Two House committees have reported similar legislation, but it has not yet been considered on the floor of the House. Here again I am very hopeful that early action will be forthcoming. Both these measures are essential if we are to make sure that all possible steps have been taken to provide our dairy farmers with an adequate income and, as a result, our Nation with an adequate supply of milk.

VOLUNTEERS HONORED

Mr. CHURCH. Mr. President, Americans have long paid public homage to outstanding citizens, both for excellence of service and for exceptional bravery. We hear of scores of honors being rendered daily to men and women in the military services, to career civil servants, to other men and women who are consistently in the public eye. It is right that we do honor those who serve well.

It is for this reason that I am particularly pleased and especially proud that this week 2 Idaho men, together with 28 other men and women selected from all parts of the country, have been honored for a little known, but vitally needed, service to the country.

The two Idahoans, Frank O. Refield, of Burley, and E. A. Finkelnburg, of Hazelton, between them have given nearly a century of volunteer service as weather observers. Mr. Refield has kept continuous and accurate weather observations at Burley, Idaho, since 1917. Mr. Finkelnburg has rendered more than 45 years' outstanding service as a weather observer at Hazelton, Idaho.

It is upon the daily observations of these men, along with the 12,000 other volunteer observers throughout the Nation, that all of us are better able to adjust to the changes in our natural environment, are able to live more prosperous and predictable lives.

These men and women have asked for no compensation, sought no honors, have been satisfied in knowing that they are serving their fellow Americans. This week the Weather Bureau has recognized the service of 30 of these volunteers, including our 2 Idaho men. Mr. Refield has been awarded the Thomas Jefferson Plaque for his work and Mr. Finkelnburg has received the John Campanius Holm Award for his service.

Both deserve well the recognition that has come to them.

AIR AND WATER POLLUTION

Mr. MUSKIE. Mr. President, if this country is to obtain a solution to the great air and water pollution problems which face it, we must have the interest and aid of industry. It has come to my attention that the Baytown, Tex., refinery of the Humble Oil & Refining Co., has received the Honor Roll Award from the Izaak Walton League of America on June 29 of this year. This award was presented in recognition of Humble's efforts to reduce waste discharges substantially below the levels set by public regulations.

The award cites the Baytown refinery for "foresighted leadership in the installation and operation of a three-stage system of water purification before discharge." I have an article on Humble's effluent control efforts, printed in the March 28, 1966, issue of the Oil & Gas Journal, which I should like to have inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW HUMBLE COMBATS WATER AND AIR POLLUTION—COMPANY DOESN'T STOP WITH PUBLIC-REGULATIONS COMPLIANCE, BUT AIMS AT REDUCING WASTE DISCHARGE TO THE LOWEST PRACTICAL LEVEL—HERE'S AN OUTLINE OF METHODS IN USE AT BAYTOWN

Policy of Humble Oil & Refining Co. for controlling effluent quality is to reduce all

waste discharges to air and water to the lowest practical level, not just to the level required by public regulations. This also includes controlling the physical conditions of the effluent so that natural functions of the receiving media are not impaired.

The approach of Humble's Baytown refinery toward implementing this policy involves four basic avenues of attack:

1. Attack at the source. This is considered the best approach but not always the easiest or most practical. When feasible, modifications or additions have been made to equipment and processes to eliminate the production or release of contaminants.

2. Improved processes. This actualy ties in with attack at the source since a new process can retire an existing unit which by its nature is a source of contamination.

3. Installation of special equipment. In some cases where similar wastes are produced at many locations, economics dictates that common treating facilities be installed.

4. Assign responsibility. Pollution control is the responsibility of each process unit operating supervisor; however, in addition, conservation coordinators are assigned full-time to monitor the overall effectiveness of control, assist in identifying possible sources of contamination, and assure that immediate steps are taken when necessary.

Program started. To meet its goal for controlling effluent quality, the Baytown refinery began a program as soon after World War II as technical manpower became available. From that time to the present, a period of less than 20 years, the Baytown refinery has spent more than $10 million to improve the quality of its air and water effluent. This is in addition to the $1.5 million required annually to operate and maintain the facilities installed for this purpose.

This program has resulted in producing an effluent usually of better quality than that of the receiving body and in reducing the amount of contaminants in emissions to the air by 98½% of the levels present prior to the start of the program.

1. WASTE-WATER TREATMENT

Some of the steps that the Baytown refinery has taken to reduce waste-water discharges to the lowest practical level include the installation of:

Oil-water separators (Fig. 2) and an expanded industrial sewer system, which included rebuilding the master separator and installing effective oil-recovery facilities. The total investment in these facilities is about $5 million.

A separate sanitary-sewer system designed to serve a population of 5,000 persons.

Gathering systems of several miles of pipelines to collect waste chemical streams at a central location for further treatment and disposal through sales outlets.

A sewer system to gather special chemical wastes and transport them to a treating facility where these streams are treated and neutralized before they are discharged into the main sewer system.

An effluent filtration unit, built at a cost of $1.4 million. Originally, the unit was designed as a filtering unit for removing undesirable components of waste water and recovering usable slop oils. The unit now primarily recovers by filtration the slop oils from emulsions.

Facilities to strip hydrogen sulfide from sour condensate streams. Installed in 1952, improvements made in 1957 and again in 1964 have resulted in facilities capable of receiving sour water containing as much as 2,000 to 3,000 ppm of sulfides and releasing an effluent normally containing less than 10 ppm. Further treatment of the effluent removes all remaining traces of hydrogen sulfide.

Modern cooling towers to increase the number of times water can be reused and to reduce the volume of water required for process cooling.

Coalescing equipment to remove and recover oils from waste-water streams at the process units.

Surface condenser equipment at the pipe stills to remove oils from the waste-water streams prior to their entry into the main sewer system.

A 20,000-gpm pump near the outfall to permit dilution of final waste waters with twice the volume of bay water and furnish additional oxygen to the effluent before discharge into the Houston Ship Channel.

Effluent improvement: Upon the completion of these and other improvements carried out between 1949 and 1960, the quality of the effluent at that time showed more than a 90% improvement when compared to the effluent quality prior to the start of the water-pollution-control program. Because of these improvements, the effluent quality at this point was generally of better quality than that of its receiving body, the Houston Ship Channel.

In August 1964, facilities were completed which provide further treatment of refinery waste water before its discharge into the channel.

The new facility consists of three lagoons totaling about 380 acres (Figs. 3 and 4) into which refinery effluent is pumped and impounded an additional 45 days. The extended retention time permits oxidation and bacteriological treatment of a nature expected to reduce volumes of pollutants in the effluent by an additional 70% upon completion of auxiliary aeration equipment. The lagoon project is still in the experimental stage, and much needs to be learned about the effect of the many variables.

During 1965, facilities were installed to receive and treat ballast waters from ships docking at Baytown to prevent oil from escaping into the ship channel during ballast-unloading operations.

Monitoring, testing: To insure that effluent of a continuous high quality is discharged into the ship channel and Scott Bay, an extensive monitoring and testing program is carried out where in samples of effluent are analyzed regularly (Fig. 5). Results of these tests are used to improve in-plant controls and to provide data for immediate corrective steps whenever necessary.

The testing and monitoring program includes the determining of the characteristic components of waste water. Reports of these tests, exactly as found by the laboratory, are furnished to the Texas Park and Wildlife Commission each week. A target goal has been established for each characteristic component. In each case, the target goal set is more severe than required by the refinery's permit. As these goals are regularly attained, they are changed to more rigid goals.

2. AIR-POLLUTION CONTROL

As a result of an appraisal made by an outside consulting firm in 1952 and Humble's own investigations, it was determined that the refinery's most pressing air-pollution problem was the discharge of sulfur gases to the atmosphere. This problem resulted from treating processes used during and after World War II to remove the sulfur contained in crude.

The discharge of significant quantities of sulfur dioxide to the atmosphere was caused by (1) the concentration of acid recovered from treating processes, (2) the combustion of waste acid sludge burned at the broiler houses, and (3) burning fuel gas containing large amounts of hydrogen sulfide produced by conversion units.

Sulfur gases discharged to the atmosphere were reduced 95% by (1) the installation of hydrofining and other treating units which eliminated acid treating by converting the sulfur compounds in the hydrocarbon streams to hydrogen sulfide; (2) the disposal of recovered hydrogen sulfide by means of a contract entered into with another chemical company, wherein that company purchases recovered hydrogen sulfide from the refinery to make elemental sulfur; and (3) the sale of the remaining spent sulfuric acid streams to a chemical company which operates a highly efficient plant adjacent to Baytown refinery. Refortification of the spent streams is accomplished with substantially no air pollution.

Regenerator discharges: The second most pressing problem was the discharge of carbon monoxide, hydrocarbons, and particulate matter from the regenerators of the catalytic-cracking units installed in 1942 and succeeding years.

An effective method of treating regenerator gases was provided by equipping the refinery's second catalytic-cracking unit (constructed in 1944) with a furnace, and the third unit (constructed in 1958) with a CO boiler. This equipment, in each case, burns the carbon monoxide and waste gases produced from catalyst regeneration at the respective units to produce steam. The original catalytic-cracking unit, constructed in 1942, has been shut down and dismantled.

Although the present units are equipped with cyclone separators, the refinery has still experienced difficulty at times in controlling the emission of particulate matter (catalyst). It is expected that this problem will be solved next year, when the present catalytic-cracking units are retired and a single, large new unit is placed in operation. It will be equipped with cyclone separators having ultrahigh efficiency which are expected to reduce the emission of particulate matter to a desirable level. The unit will incorporate a CO boiler which will utilize regenerator gases.

Other steps: Humble has also taken these steps to reduce atmospheric contamination:

Installation of floating-roof tanks, thereby reducing the vapor space and controlling the evaporative liquid surface. All highly volatile hydrocarbons are stored either in floating-roof tanks or special tanks that will stand the pressure necessary to control evaporation or in tanks which have connections to a vapor-recovery system which will permit full recovery of vapors created by gasoline blending and by filling and emptying operations.

An additional compressor was installed in 1964 to recover gases from the emergency release system. The compressor provides the capacity necessary to recover large quantities of hydrocarbons formerly vented to air or burned at ground torches.

Two major improvements have been made to the refinery's emergency release system (safety flares) which have resulted in reducing smoke emission from these units.

A smokeless ground flare was installed in 1955 to replace a conventional flare serving the propane lube plant. This system is designed to receive an inventory of 5,000 bbl/hr of liquid propane from the unit in case of emergency. In the present system, a large quantity of primary air is injected with secondary air, produces complete combustion and a smokeless flame.

A smokeless burner was installed on top of each of the 250-ft. flare stacks serving the west side of the refinery early in 1965. Steam is used to assist in supplying adequate air to assure complete combustion of gases supplied to the burners when it becomes necessary to release gas because of an emergency. The smokeless burners eliminate smoke from these flares.

The air-pollution problem caused by incineration has been greatly reduced by burning trash in small, controlled amounts. The refinery is now examining a new type of incinerator recently designed for solids waste burning. If this new incinerator proves

effective, its use will essentially eliminate this problem.

Program effective: An indication of the effectiveness of the refinery's air-pollution-control program is that it has received relatively fewer complaints from neighbors during the last several years. The refinery has an established procedure for following up on each complaint received to determine whether it is in fact responsible for contaminating the atmosphere and, if so, to take immediate action to correct the situation.

The Baytown refinery also has taken steps to prevent future units from contributing to the pollution problem. Before management will permit any new installation to be built, project engineers must indicate, as part of the appropriation request, that the unit is so designed that it will meet requirements for acceptable noise and effluent quality and air-pollution control.

THE ST. LOUIS GLOBE DEMOCRAT

Mr. SYMINGTON. Mr. President, on Thursday of last week, upon coming on the floor of the Senate, I learned there had been an extended colloquy about a letter written by the Director of the Central Intelligence Agency to the St. Louis Globe Democrat, obtained a copy of the letter, and stated my regret that it had been sent.

It was not until later that I learned the Senator from Arkansas had criticized the Globe Democrat and that apparently some people thought I was on the floor when he made his remarks.

For the record, I do not agree with the Senator's characterization of the Globe Democrat as a "rather radical newspaper." I believe it could be more accurately termed "a rather conservative paper."

Nor do I believe the Globe Democrat "takes a radical position on foreign policy." Its position on South Vietnam has been close to my own—"move forward or move out."

I believe Richard Amberg, publisher of the St. Louis Globe Democrat is a man of high character, and an able and patriotic American, and had I been on the floor at the time the Senator from Arkansas made his remarks, I would have so stated.

Some 11 years ago Mr. Amberg came to St. Louis to take over this newspaper. Since then he has worked at least as hard as anyone in Missouri to make our town a finer place in which to live. The worthy causes he has supported are legion; and the area is a better area because of the many fields of civic progress in which he has been a leader. I would not want any record to imply otherwise.

COMPLETING THE INTERSTATE SYSTEM IS NOT ENOUGH

Mr. HARTKE. Mr. President, 1973 is the target date for completion of what is without doubt "the largest public project in history," the Federal Interstate Highway System.

An article discussing its background and its future appeared in the Indianapolis Star for Sunday, July 10, under a Washington dateline. Among the observations made are those which quote Federal Highway Administrator Rex Whitton, who says:

Personally, I can see no end to the need for improved roads, particularly when we are killing 50,000 persons each year on our highways.

This, Mr. President, is a belief I have frequently stated myself, and which I have sought to put into action by my bill, S. 1272, calling for an extension of the Interstate System from its scheduled 41,000 to 60,000 miles. I am pleased to note that the Federal Highway Administrator also sees well-engineered, modern highways as a necessity in order to reduce the tragic toll of traffic fatalities and injuries. The article continues:

The greatest contributions to safety on the highway, he added, are controlled access and dividers between lanes. These make a road twice and perhaps even three times as safe as ordinary highways, he said.

Mr. President, I ask unanimous consent that the article, written by Joseph R. Coyne and distributed by the Associated Press, may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Indianapolis (Ind.) Star, July 10, 1966]

INTERSTATE SYSTEM UNDERWAY—COMING BY 1973: COAST-TO-COAST CAR TRIP WITH NO TRAFFIC LIGHT

(By Joseph R. Coyne)

WASHINGTON.—In 1925 two adventuresome young men drove nonstop from Los Angeles to New York in a Packard touring car. It was a dusty, muddy journey which lasted 167 hours and 50 minutes.

That things are better today is due, in good part, to the Federal-aid highway program, which celebrates its 50th birthday on July 11.

Since President Woodrow Wilson signed the first Federal aid highway law, the Federal government alone has spent $45.7 billion helping states build roads. More than $30 billion has been spent during the last decade.

And today, the nation has under construction the most modern system of superhighways yet conceived—the 41,000-mile Interstate System, which is expected to cost more than $50 billion.

But it was a different story in 1925 when Lynton Wells, now director of the Storer Broadcasting Company in Washington, and Leigh Wade, now a retired major general living in Washington, made their much publicized trip in just under seven days.

"I wouldn't want to do it again," Wells says in recalling the trip, "and I don't think anybody else is crazy enough to try it."

He called it the first—last—nonstop automobile trip from coast to coast. While one of the team drove the other slept and they even loaded gasoline from cans while driving around a block.

The roads?

Wells said they saw virtually no paved roads west of the Mississippi River, and in Missouri "the mud was about as bad as I've ever seen in my life."

Wells said it was because of this trip that the government later credited the pair with convincing the Missouri legislature it should approve a $100 million bond issue to build a road between Kansas City and St. Louis.

The Federal government is paying 90 per cent of the cost of the interstate system, and when it's finished in 1973, motorists will be able to travel coast to coast without a traffic light. On other types of non-local highways, the Federal government normally pays half the cost.

But the officials aren't stopping there. Planning has already begun on highways of the future.

Rex M. Whitton, the Federal highway administrator who has spent a lifetime in highway work, said future emphasis will be on safer and more modern facilities, not on simply adding more miles of highway.

"Personally, I can see no end to the need for improved roads, particularly when we are killing 50,000 persons each year on our highways," Whitton said in an interview.

The greatest contributions to safety on the highway, he added, are controlled access and dividers between lanes. These make a road twice and perhaps even three times as safe as ordinary highways, he said.

The interstate system, which officials say will save 8,000 lives yearly when completed, incorporates these features.

Whitton said he sees the need for wider lanes and paved shoulders on highways not a part of the interstate system.

"We now have more than 3.5 million miles of highways and the demand won't be so much for more mileage in the future but for better mileage," he said.

As highways go, Whitton is an expert among experts. The Federal aid highway program was less than four years old when Whitton, on May 1, 1920, took his first job. It was with the Missouri highway department as a levelman on a survey team. He worked for 40 years with that department rising to chief engineer. In 1961 he was named Federal highway administrator by President John F. Kennedy.

Whitton noted a tremendous change in highway construction during his 46 years in the business, and said it's not just in switching from horses to high-powered construction equipment.

Human factors, he said, are important in today's highway planning. Highways must be built to serve people, and social, esthetic, historical and conservation factors must be taken into account in planning.

The first major Federal attempt at highway construction began long before President Wilson signed the first Federal Aid Highway Act.

That was in 1803 when Congress provided for construction of the National Pike of Cumberland Road to ease the movement of westward-bound pioneers. Between 1806 and 1838 Congress appropriated $7 million for this work. But little was done after that as the railroad came into prominence.

There were two major developments in 1893, however—the introduction of the gasoline automobile in the United States and the creation in the Agriculture Department of the Office of Road Inquiry. This was an office with three employes and a $10,000 annual appropriation which was dropped to $8,000 three years later.

Its function was to investigate, educate and disseminate information on road building. It was a far cry from today's Bureau of Public Roads—part of the Commerce Department—with its 5,500 employes and a Federal aid program which will total $4 billion during the year which began July 1.

The pattern for future road building was fixed with the 1916 Federal Aid Highway Act which required states to organize a highway department as a condition for Federal aid. By the end of 1917 every state had done this.

The law provided only $5 million the first year for construction of post roads in rural areas but it was a start.

It also fixed three factors for apportionment of aid—population, area of a state and mileage of its rural delivery and star post routes. The same factors are used in apportioning aid today.

From that beginning—there were 3.6 million motor vehicles registered in 1916—the Federal aid program has grown into one of the government's most important services. Motor vehicles registrations have reached 93 million and are expected to be 120 million by 1975.

In 1916, total road and street mileage was about 2.5 million. Only 10 per cent was surfaced and that mostly with gravel. In 1956—when the Interstate System was begun—there were 3.4 million miles of highway in the nation. Today about 75 per cent of all roads are surfaced.

The Federal aid program hasn't done the entire job, of course. States and localities have done most of the work. Even on a Federally aided road project it's the state which must plan and build the road, not the Federal government.

Only about 880,000 miles of highway have been built since 1916 with Federal aid but that mileage represents the nation's major road network.

And the interstate system when completed will carry more than 20 per cent of all traffic although it will comprise less than 1 per cent of the nation's total mileage. It is the largest public project in history.

EFFECT ON THE RESIDENTS OF SALINA, KANS., OF THE CLOSING OF SCHILLING AIR FORCE BASE, KANS.

Mr. PEARSON. Mr. President, we all remember the closing of 90 military bases as directed by the Secretary of Defense 2 years ago. In Kansas, Schilling Air Force Base was closed by the Secretary's decree in November of 1964.

When Schilling was closed, nearly 40,000 people were affected economically in the community. Yet this severe shock to business did not dampen the enthusiasm of the city to rebound from their setback.

During the past 18 months, the residents of Salina, Kans., have made an outstanding economic changeover as they injected private enterprise into the abandoned Air Force base.

Probably one of the most complete documentary stories on the changeover at Schilling and the efforts of the Salina people was reported in the July 25 issue of the National Observer.

I ask Mr. President that this article be inserted in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Observer, July 25, 1966]

FIRST AID FOR A WOUNDED TOWN—HOW A CITY AND ITS CITIZENS GAINED NEW LIFE AFTER "MAC'S AX" CLOSED A BIG AIR FORCE BASE

SALINA, KANS.—On Nov. 19, 1964, Defense Secretary Robert McNamara gave the orders of execution. In the name of economy in Government and military redeployment, the Defense Department was closing 95 air bases, naval yards, and other military installations in 33 states. The impact would be felt from Portsmouth, N.H., to Lompoc, Calif.

The citizens of the affected communities reacted with shock and hysteria. By the planeload, delegations of them poured into Washington to argue for reconsideration. Irate and embarrassed senators and congressmen pleaded with the Pentagon and called the White House on behalf of constituents who found themselves about to lose the basis for 10 to 70 per cent of their local economies.

Now, 1½ years later, what actually has happened? Have the affected communities suffered the economic depression they feared, with the dispiriting consequences they predicted?

Many of the military installations still are only in the process of being phased out, and so no conclusive survey is yet possible. But in some communities the question admits of an answer—an answer that involves an incredible and complex mixture of community pride, Chamber of Commerce fervor, and sweeping, multifaceted, Government largess.

The Defense Department has put out a bright, colorful, profusely illustrated booklet about the changeover called *The Challenge of Change*. One of three communities featured therein is this central Kansas farm center whose 41,293 people on Nov. 19, 1964, had no inkling that in so short a time their city was going to be a prime example of any kind of challenge or change.

In fact, the dawn of that day in Salina revealed nothing but good news—an inch of new snow on the ground, a blessing for the drought-stricken wheat farmers of the region and hence for the townspeople who did business with them.

THE DAY OF DECISION

Of course, Salinans, like everyone else, also knew that this was the day on which Secretary McNamara would make public his new list of condemned military installations. And they knew quite well that if Schilling Air Force Base, a huge Strategic Air Command bomber base at the city's edge, were on this list, it would be an economic blow to Salina for which no amount of moisture for the wheat could compensate.

According to Air Force analyses, since the reactivation of the base in 1951, the city's population had jumped 60 per cent to make it the fourth largest in the state. One-third of all residents of Saline County, including the city, derived income directly from Schilling payrolls. Spending from those payrolls accounted for more that one-fourth of the sales in Salina stores. In addition, the base as an institution made purchases in the Salina economy "running at $1,116,200 per fiscal year."

But on Nov. 19, there was little cause for worry. Rep. ROBERT DOLE of the Congressional district that includes Salina had assured Salinans that Schilling was not likely to be affected by Secretary McNamara's new list of closures.

Indeed, Rep. GARNER SHRIVER of an adjoining Congressional district had declared that he had information indicating that *no* Kansas base would be affected. The runways at Schilling had been improved for B–52s that were scheduled to replace the old B–47s there. And at that very time Col. Roy Crompton, commander of Schilling's 310th Aerospace Wing, was at Davis-Monthan Air Force Base in Arizona to receive an award for the best cost-reduction program in the entire 15th Air Force.

Then, out of the clear blue euphoria, the switchboard of the city's daily newspaper, the Salina Journal, received a long-distance call from Sen. JAMES PEARSON in Washington for editor Whitley Austin. Mr. Austin, long a leader in the community's successful efforts to build good relations with the base, and long an editorial defender of the need for manned bombers, picked up his phone and heard the Kansas Republican senator say, "Whit—sit down. . . ."

That afternoon, the Journal's story about the needed snow still made page one. But it sank into obscurity beneath the thick, black, inch-high letters of the nine-column banner headline that announced: "Mac's Ax On Schilling."

At City Hall, several blocks away, City Manager Norris Olson got the news from his wife, who had been listening to the radio.

The next day, reminisces Mr. Olson, "we had meetings—nobody knew much what we were meeting about but we had meetings." Businessmen such as E. G. Anderson, vice president of a plumbing and heating company, simply got together for coffee: "We just sat looking down our noses into our cups. We kept asking each other, 'What are we going to do?' "

The feeling throughout the community quickly came through to a Government official who arrived in Salina not long after: "It was like it was in Washington after Pearl Harbor," he declares. "Everyone you saw you knew was thinking about it, you could feel it, it was like a magnet drawing filings together on a piece of paper. In Salina, it was something of the same thing, only on a lesser scale. You would see people on the street and you knew that everyone you saw had the same thing on his mind—Schilling."

"SAVE OUR SCHILLING"

At a "town-hall" meeting about what editor Austin termed "the rape of Schilling," there were many, as in most other similarly affected communities, who wanted to declare war on the Pentagon and get the decision reversed. The Salinans decided to send a delegation of seven community leaders—accompanied by Congressman DOLE, U.S. Sen. FRANK CARLSON, and Kansas Gov. William Avery—to argue for the excellence of Schilling as a base. This was Salina's "SOS Squad"—"Save Our Schilling."

But unlike many such delegations, this one had made another decision. Explains one member: "We went to Washington to argue, to make the strongest case we could. But should that fail, we also went prepared to do business."

The thing Salinans were most anxious to argue about was that of all the major military installations on the list, Schilling was to go the soonest: June 30. On Nov. 19, it was calculated, Schilling had 5,364 military and civilian employes with 8,000 dependents and an annual payroll in excess of $20,000,000—all to be lost to this relatively small city within seven months.

But at the Pentagon, where the Salinans were given a four-course luncheon in a dining room normally reserved for four-star generals, Deputy Secretary of Defense Cyrus Vance had all the answers. There would be no change; B–47 bombers were being scrapped; the B–52s were being redeployed; Schilling did not figure in the redeployment; it therefore had no "follow-on mission"; therefore it would be closed. Says an SOS Squad member: "It took him about one hour to convince us."

At that point the Salinans, as one Defense Department official admiringly puts it, "rolled up their sleeves" and told Mr. Vance: "You've said you can help us; now tell us how." The deputy Secretary was ready for that too. Already he had phoned a white-haired, loquacious civilian in the Pentagon who in the next few months was to be one of the most important persons in Salinans' lives. "I've got a delegation from Salina and I want to send them over to see you. Can you clear your schedule this afternoon?" Grins Don Bradford, director of the little-known Office of Economic Adjustment (OEA) of the Defense Department, "the deputy Secretary says, 'Can you clear your books?' and I cleared my books."

In the modest suite of offices occupied by the tiny staff of the OEA (Director Bradford, five field men, one economist, and two secretaries), the Salinans found what Mr. Bradford fondly describes as "the Defense Department's heart—no, its conscience."

When Mr. McNamara began juggling and cutting military installations in 1961, he created the OEA because "if these decisions are made in the national interest, everybody should share the burden." It is the OEA's job to "be the Washington advocate" for the injured communities in getting compensatory aid and advice from Federal agencies.

"We had no ground rules," says Mr. Bradford, "except to do what made sense to carry out this responsibility." Salinans—and praise for Mr. Bradford's office is heard not infrequently in Salina—put it less delicately: "Bradford—he's a real red-tape-cutter."

After the Washington talk, says Mr. Bradford, "Salina invited us to come out, and we came out fast—we had a three-year's job to do in six months." And with him he brought both regional and Washington representatives of an array of Government agencies that Salinans would have spent months trying to approach and deal with individually.

Together, the OEA men and the Salinans considered the situation: Salina could not fall back on the area's "declining agricultural population." Too, lower freight costs for wheat than for flour were forcing Salina's mills to relocate elsewhere. Salina needed industry to get new population and payrolls. But so far, Salina's brave talk about getting new industry had amounted to little more than "yackity-yackity," as one OEA man put it. What did Salina have to offer industry? It had become a crossroads for two new, major interstate highways: I–70, running from the East to the West Coasts, and I–35W, which eventually will reach south to the Gulf of Mexico. What else could Salina develop to offer? Industrial skills. Therefore one of the most profitable uses that could be made of Schilling facilities would be for technical training institutions.

So the thinking went. Then, Salinans remember, Mr. Bradford would tell Federal representatives of such agencies as the Office of Education, "This is what they need here; what can you do to help?" Under Federal surplus-property laws, much of the base could be turned over to Salina free, in effect, if used for activities consistent "with national goals."

The community had been planning an "area vocational-technical training school"; this could go in at Schilling. By this alone, the community was saved a prospective $750,000 bond issue. And explains Mr. Bradford: "It showed things could happen. It provided some payroll and it showed some activity."

But out of those early coffee sessions, Salinans had decided on something else they could do to make the community attractive to newcomers. Economic decline or no, they could carry out previously dragging plans to replace the old, out-grown City Hall, County Courthouse, and Public Library buildings with a big, new, jointly occupied government complex.

It seemed crazy to be thinking about a new bond issue when the economic bottom was dropping out of everything. But when community leaders approached E. G. Anderson about heading the bond drive, he thought it over and decided, "It intrigues me—I'll do it." He discovered that it intrigued nearly everyone else, too. Chamber of Commerce manager Les Matthews proudly describes the situation even now: "You want to get something done? You make some phone calls for help and you get it!"

On Feb. 23, barely more than three months from the closure announcement, and without a Presidential election or even a City Commission contest to attract voters, some 50 per cent of the 14,073 Salina registered voters turned out in a blinding snowstorm that snarled traffic and closed schools. They approved the library and government-building bonds by margins of nearly two to one.

Where at one time hard-nose opposition within the City Commission had all but killed the joint-government-building plan, the community now is cited in the state as a model of city-county co-operation. And to secure the land for the new complex, an application for Federal urban-renewal money that previously had gotten nowhere suddenly came off the bottom of the application stack in Washington. Then Salina put in for another urban-renewal grant that would clear a slum area to open the way for expansion plans of certain Salina industrial and educational plants. Where will the slum residents go? The expectation is that they'll move to low-cost houses vacated by Schilling servicemen—houses that the Federal Housing Agency angelically refused to dump at depressed market prices that would have blackjacked Salina realtors.

As Salinans see it, miracle followed miracle. For the first time in years, the Community Chest fund campaign exceeded its annual goal. A fretful Chamber of Commerce, fearing the worst about attracting new members in 1965, found itself getting 113, only 6 fewer than in 1964. And the $10,000 that these new members brought in Chamber financial subscriptions was more than double the 1964 total.

A MATTER OF PURE PRIDE

Part of the decision to go ahead with the government complex, at least, involved simply a desire to provide public works, "to keep some breadwinners in here." But chamber manager Matthews talks also of pure community pride. "I hate to use a cliche," he says, "but the people just got together and refused to be beaten." Agrees editor Austin: "It's like in any catastrophe—and this was a catastrophe: It unites the community."

Everybody in Salina wants to tell you about somebody else who "put in 14 hours a day" or "hasn't sold a car in his car dealership for months" or "has spent only half-days in his law office" in order to give time to what now has become a Save Our Salina effort. The city is annexing 3,033 acres at the base to increase Salina's geographical size by some 50 percent. The municipal airport is moving to the better facilities at Schilling this month, and a Salina Airport Authority was created. To get power to create the airport authority, Salinans had to lobby for special legislation in the Legislature at Topeka. The necessary bill, capital observers say, went through the Legislature in near-record time.

A co-ordinator is needed for all the activity at Schilling, recommended the OEA. Wilson and Co., a large engineering concern based in Salina, donated one—Bob McAuliffe, who served the first three months at Wilson's expense.

It's a weary Mr. McAuliffe who, with his phone ringing or somebody coming in his office to see him every few minutes, tries to enumerate all the things Salina is getting at the base.

Beech Aircraft of Wichita is leasing five big Schilling buildings for aircraft-modification and missile work; eventually Beech will have an estimated 1,200 employes there. Funk Aviation of Salina, a manufacturer of crop-dusting aircraft, leased a hangar. A seed company is establishing a district warehouse at Schilling. A company will build mobile-home components there. A local developer will establish a plant for making artificial marble. There will be a humidifier-manufacturing plant and a frozen-food distribution center. Says Mr. McAuliffe wryly, "If you stick around another quarter-hour, something else probably will be announced."

The State Highway Patrol not only is basing its aircraft at Schilling but has turned the old bomber-crew ready-room into a police academy. The Government is turning over the base hospital intact for a new state vocational-rehabilitation center.

Perhaps most important of all, Schilling Institute is to open this fall. A state school offering degrees in various kinds of technological training, it is establishing a 185-acre campus at Schilling to serve, in three to five years, an estimated 2,500 students. State legislation was needed for it, also, and because of screams from competition-fearful state junior colleges, this took longer than the airport-authority bill. But Salina got it.

The speed with which the Air Force left Salina, once considered a blow that other communities were spared, now is hailed as an advantage the others didn't have. A Salinan explains: "Many people said that industry didn't want to locate where there was a base, and there was some truth to this. Now, because the Air Force left so soon, we not only have facilities to offer but industry can get into them right away."

Even so, Salina at first was so anxious to get something to replace the base that it made the common mistake of making offers to industry without being sure what would be available, and on what terms, at Schilling. The city frightened away at least one industrial prospect this way before it heeded OEA's warning to "slow down."

One of the city's largest plums, however, seems simply to have dropped out of the sky. Over a period of time, the chamber kept getting calls from someone asking questions about Salina. Finally the chamber manager made a credit check on the caller, who had given only his name, to find out whom he represented. The answer sent the chamber into high gear to provide any information requested and more. The man represented Westinghouse, and in an industrial area south of Salina you now can see the framework for a huge new Westinghouse fluorescent light-bulb plant estimated to cost $4,000,000 and expected to employ 500 people to start.

Through the not-immediately authorized efforts of base commander Col. John F. "Sundown" Scanlan (so nicknamed because Schilling was not the first base closed out from under him), Capehart housing units vacated at the base now are the home of the "waiting wives" of servicemen fighting in Vietnam. The wives' 1,800 children will necessitate the reopening of the Salina school board's Schilling elementary school. But having so many Schilling homes occupied is a relief to the local real-estate market, and the wives spend money in Salina stores.

HUNTING FOR FUNDS

"An air base can become a cancer on a community, destroying its initiative," observes Mr. Bradford. And City Manager Olson admits of Salina: "We had just taken the base for granted." But on the other hand, little seems to have so stimulated the initiative of Salinans as opportunities for Federal assistance that now are available. In addition to achievements already enumerated, the city is seeking Federal aid for two new parks, one of them totaling 98 acres, and for a golf course to go on the old airport grounds. Says Mr. Olson: "I never saw so many people go into action so fast."

Nor in this politically conservative community does one hear much noise about "Federal control." Salinans who are mad at the Government at all are mad because the urban-renewal project's "final-final" approval seems slow in coming through. Says one lifelong Democrat, "This bureaucracy is enough to make a conservative out of me!" Where Government operations were concerned, grimaces another Salinan, "We were babes in the woods."

But Mr. Bradford's logic generally seems accepted so far: "If you want to buy a base for $50,000,000, that's fine. But if you want it on surplus terms, then—for good reasons—there are going to be some hookers."

Has political pull been a factor in all this Federal assistance? Hardly, since the entire Kansas Congressional delegation is stanchly Republican. "That's one of the fascinating things about it," says editor Aus-

tin: "Partisan politics have in no way been involved." Says an OEA official: "We were in town for a solid month before we knew whether the mayor was Republican or Democrat or what." The truth is that communities who try to exert political pull may only create delays caused by the necessity to release all developments through the offices of senators and congressman trying to exert pressure. It's also true that some Federal agencies that might have come into Salina—the Job Corps, the Bureau of Prisons—were deliberately discouraged because it was decided that in the long run other uses of Schilling facilities would be more beneficial to Salina. The OEA says two major factors are making Salina's comeback possible. One is the prosperity of America's economy as a whole: "Salina isn't stealing industry; industry is expanding." The other, in Mr. Bradford's words, is that "Salina has broad-based leadership, talent in depth."

PADLOCKING POCKETBOOKS

Not everything has gone well in Salina, of course. Some fund campaigns, for example, unlike Community Chest, did find after the base closed that, as one campaigner puts it, "people put a padlock on their pocketbooks." But community spirit ran high enough, and things went well enough, so that the Chamber of Commerce replaced its slogan for 1965, "Response to our Challenge," with the more confident sign that now graces innumerable Salina business fronts: "Ask us about Salina—City on the Move." And delegations from communities losing military installations in Oklahoma, Washington State, Nebraska, and New Mexico have been into Salina to see how Salina did it.

When the base closed, 60 to 80 percent of Salina's skilled tradesmen left, seeking work elsewhere. But now, says Clem Blangers, president of the Salina Building and Trades Council, they are coming back. At one time some 3,750 homes stood vacant. Now the Chamber estimates there are but 1,000 to 1,100 vacancies. In the first five months of this year, more new-dwelling buildings permits were issued than in all of 1965. And the valuation of new business buildings for which permits have been issued already exceeds the valuation recorded for business-building permits in 1965.

"I don't know how much longer the spirit will last," says Mr. Austin. "A tide of emotion can't keep up forever. It's dwindling some now. And we're still going along mainly on hopes and expectations.

"But by next spring [and in this estimate he gets agreement from the OEA] we should be back where we were economically, if not in population, before the base closed." Throughout town, you hear the declaration, "It's the best thing that ever happened."

Indeed, with something of the same patriotic sentiment that inspired Betsy Ross, a contest is under way for still another new thing in this community—an official City of Salina flag.

GERALD GEORGE.

THE MAKING OF A SENATOR

Mr. McGOVERN. Mr. President, the July 25 San Francisco Chronicle carries an eloquent tribute to our colleague, Senator FRANK CHURCH, of Idaho, written by the distinguished columnist, Arthur Hoppe. It is one of the most sensitive and moving tributes that I have seen offered to a Member of the U.S. Senate.

No one familiar with the record of the Senator from Idaho will dispute Mr. Hoppe's verdict:

Senator FRANK CHURCH, of Idaho, is a politician and a good one.

Neither will those of us who have been impressed by his service to his State, to the Nation, and to the cause of world peace be surprised to read Mr. Hoppe's words:

He holds firm to what he believes. You may, if you will, question his stand. But you can question neither his independence, his integrity nor his courage.

Mr. President, the easiest course for a politician to take is to go along with prevailing opinion or administration pressure on major issues. The harder course is the one which Senator CHURCH has chosen—that is the course of independence and absolute personal loyalty to his intellect and his conscience.

In my judgment, Senator CHURCH has authored several of the most penetrating articles and addresses on the need for new foreign policy initiatives ever to come from the pen or the lips of a U.S. Senator. I am firmly convinced that if we are to know lasting peace in our time, we must begin to move more quickly along the lines spelled out by the Senator from Idaho.

I ask unanimous consent that the well-deserved tribute by Mr. Hoppe be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Francisco (Calif.) Chronicle, July 25, 1966]

THE MAKING OF A SENATOR

(By Arthur Hoppe)

WASHINGTON.—It is hot in Washington. And cynical. And, I think, a trifle weary and uncaring.

You hear little talk of Vietnam any more, other than its effect on the November elections and whether the President can pull a rabbit out of the hat to save the Democrats. "What else," a lady at a cocktail party said with a shrug, "is there to say about it?"

And after a week here the cynical feeling grows that we have evolved a political system that produces political leaders who think only in political terms. Politics is all here and all are politicians. And politically it's always safest to go along with the crowd.

Senator FRANK CHURCH, of Idaho, is a politician and a good one. He came to the Senate in 1957 at the age of 33—handsome, dapper, an American Legion oratory contest winner, a Junior Chamber of Commerce "Outstanding Young Man," the model for an Arrow Collar ad of the thirties, a boy wonder. You would have pegged him as one predestined to go along with the crowd.

Today, Senator CHURCH is one of the leaders of what Doves there are left—a score in the Senate, a handful in the House, none publicly in the Administration. Each day the pressures of an ever-escalating war tighten on him. He knows that the vast majority of his constituents are Hawks. He knows that the President's irritation with dissenters grows. Worst of all, he knows, as he puts it, "that at any moment an incident could so inflame American opinion that past opposition to the war would be equated with treason."

He smiled wryly. "You feel a little like a Volkswagen sitting on a railroad track not knowing when the train is coming around the bend."

He frowned. "I think it's not so much the present political consequences, but the potential ones that keep most men from coming over to our side."

Yet, despite all this, he holds firm to what he believes. You may, if you will, question his stand. But you can question neither his independence, his integrity nor his courage.

The one-time shallow-seeming boy wonder hasn't gone along.

"I would hope I've changed," he said with a smile as he lit a cigar in a quiet office off the Senate floor. "Partly of course, it's because this job is a tremendous post-graduate course in what the world's all about."

He talked for a while of a recent trip he had made to Europe as a member of the Senate Foreign Relations Committee. And you could picture the one-time boy wonder from Idaho, conferring with Adenauer and De Gaulle.

"And partly," he said, with a wave of his hand that included all the mystique of the Senate, "it's this place itself."

As I left his office and walked up the marble steps where Webster and Calhoun, Taft and Borah had walked, I think I understood a little of what he meant. I thought of the pride these men had taken in the duty of the Senate to advise as well as to consent—to refrain from listlessly "going along."

It is the heart of our system. And the system, while it produces hacks, also produces in some mysterious way, those who are essential to it. And I felt better.

But then, out in the sticky sunlight, the headlines were crying about the possible execution of American flyers by North Vietnam. And for a chilling moment, I thought I could hear a train whistle around the bend.

THE DOSSIER

Mr. LONG of Missouri. Mr. President, when the Subcommittee on Administrative Practice and Procedure first started looking into electronic eavesdropping equipment, there were many who called us "dreamers." They said we would not find anything, that the privacy of the American citizen was being protected. The record that the subcommittee has made speaks for itself.

Monday's New York Times carried an article about a computer plan for personal dossiers in Santa Clara, Calif. It is reported that a Mr. Carl Sheel, sometimes known as "the father of the Santa Clara system" has said that persons who were concerned about an invasion of privacy were "the higher educated people—you might call them the dreamers."

Mr. President, only time will tell whether we are dreamers or not. Nevertheless, we are concerned with proposals at all levels of government, and in the private sphere, which would incorporate in a single file basic information about an individual from the cradle to the grave. The Senate Subcommittee on Administrative Practice and Procedure will soon send a questionnaire to all Federal departments and agencies asking them to list the type of information which they maintain in their files. The results should be very interesting. Only then will we be able to determine whether we are, in fact, dreamers.

Mr. President, I ask unanimous consent to insert, at this point in the RECORD, the article from the August 1 New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 1, 1966]

COMPUTER PLAN FOR PERSONAL DOSSIERS IN SANTA CLARA STIRS FEARS OF INVASION OF PRIVACY

(By Lawrence E. Davies)

SAN JOSE, CALIF., July 31.—Many residents of the big, rapidly growing Santa Clara

County will find their names indexed within the next year in a centralized computer system, which will provide at least sketchy information in personal "dossiers" to authorized inquirers in seconds or minutes.

As the county of nearly one million residents goes into "computer government" to save paper work, manpower and dollars, some officials themselves have raised questions about "invasion of privacy" and the concept of a close watch on activities of individuals "by big brother."

These doubts have been dissolved in some instances by assurances of county spokesmen that confidential information would continue to be protected. Nevertheless there remains concern in some quarters over the system's potential misuse despite safeguards.

These fears were reflected last week at hearings conducted in Washington by a special subcommittee of the House Operations Committee on invasion of privacy.

One of the proposals under attack was that of the Budget Bureau for a National Data Center. Under the plan 20 Federal departments and agencies now guarding their own data would make this available to a centralized computer for use by those agencies.

Representative CORNELIUS F. GALLAGHER, Democrat of New Jersey, the subcommittee chairman, said the pooled information could include data on a person's education, grades, credit rating, income, military services, employment and almost anything else, all wrapped in one package.

The alphabetical persons index record in the Santa Clara system, dubbed LOGIC for Local Government Information Control will include the following data: name, alias, Social Security number, address, birth record, driver's license data, vehicle license number, position if a county employe, and other data if the subject has been involved with the Welfare or Health Departments, the District Attorney, adult or juvenile probation, sheriff, court and so on.

Also included would be his voter and jury status and property holdings.

Howard W. Campen, the County Executive, has made a number of speeches in which he referred to the personal "dossiers" and the speed with which they could be made available to persons entitled to the information.

After one such talk Clarence Wadleigh, of Palo Alto, a graduate student in education at Stanford University, who has familiarized himself with some aspects of the computer program, wrote to The Palo Alto Times of his fears about the system's potential.

"Unlimited capacity for information storage combined with instantaneous retrieval," Mr. Wadleigh stated, "would seem almost irresistible temptation to 'record' more than is warranted and 'retrieve' for unethical and/or illegal purposes. The toy could easily become a monster."

Mr. Wadleigh said yesterday that he was still concerned that "many people out there are saying, 'We're going to have to build a case against somebody in the future, let's start building his history now.' "

He called for "some kind of reviewing system to be set up to see what kind of information is programmed."

Newton R. Holcomb, Assistant County Executive, Robert R. Sorensen, director of the county's General Services Agency, and Thomas Johnson, data processing systems programmer, all have asserted in interviews that the computer would be programmed for limited access.

During the Washington subcommittee hearing, witnesses suggested that records covering a juvenile misdemeanor might be fed into a computer and then follow the offender for the rest of his life, interfering with ability to get and hold a job.

Mr. Johnson said this would be impossible under California law, which requires eradication from the records of details about rehabilitated juvenile offenders after a specific period.

"Whatever rules are maintained now in this connection will be maintained under the new system," Mr. Johnson said. "If it were decided to put the information into the computer it could only be entered and retrieved by those directly concerned."

"If you ask, " he went on, " 'would it remain there forever?,' the answer is 'absolutely not.' It would in many respects be harder to get at, while it was there, than it is now, for it would require technical knowledge of how to get at the computer records."

"Juvenile records," he stressed, "are completely confidential and only used in line of correctional and preventive police work. California law takes the position that anybody can make a mistake."

Mr. Johnson said that there remained questions about whether such data as venereal disease records would be added to the personal dossiers.

If the decision were yes, he asserted, "complete confidentiality" would be the rule as in juvenile matters. "There won't be a dossier of every little fact about a Santa Clara resident," he said.

"This is no big brother system," Mr. Sorensen said. "It is a way of maintaining more efficient records. You can distort and misuse information but you can do it now."

This is the way the computer would work:

Confidential information protected by law would be fed into it along with open, public data. But the only access to the data would be through any one of about 100 teleprocessing units manned by trained operators.

When a county department asks for data to which it was not legally entitled, the computer, according to the officials, would say the data were not available.

"Welfare Department information," Mr. Sorensen related, "is protected by law, as are juvenile records, and records of the Health Department, especially in the venereal disease category."

"Suppose a sheriff's deputy arrests a man he is pretty sure is a relief recipient," Mr. Sorensen continued. He wants full data. The teleprocessor at the sheriff's office sits down at the unit and asks for the information. But the computer slaps the sheriff down. He is told it is not available."

Social workers in Santa Clara County were among those who had reservations about "the availability of broad access to the names of clients."

"These fears have somewhat abated," Frederick B. Gillette, County Welfare Director, reported.

Karl Sheel of the data processing division, who is sometimes called "the father of the Santa Clara system," said that persons who were concerned about an "invasion of privacy" were "the higher educated people—you might call them dreamers."

Mr. Sheel said there was no reason to fear anything "if you have no arrests, no outstanding warrants against you or if you're not on welfare or if you've stayed out of the clutches of adult probation."

SBA, JUSTICE AGREE ON PLAN TO GET SBIC LITIGATION MOVING

Mr. PROXMIRE. Mr. President, the Small Business Subcommittee of the Banking and Currency Committee, of which I am chairman, recently held hearings to review the Small Business Investment Company program.

On July 19, 1966, the subcommittee received the testimony of Mr. Richard E. Kelley, the former Deputy Administrator of the Small Business Administration in charge of the SBIC program. In his testimony Mr. Kelley recommended that SBA be permitted to conduct its own SBIC litigation in civil cases rather than the Department of Justice. He pointed out that he felt that there had been an unreasonable delay in the prosecution of SBIC litigation by the Department of Justice. Mr. Kelley stated:

> No single matter was more frustrating to all of us at the agency than our relations with the Department. (Meaning the Department of Justice.)

He testified that several SBIC cases had been referred to the Department of Justice and had remained there for as long as 2 years.

As a result of this testimony, I invited representatives of SBA and the Department of Justice to my office to discuss this matter with me. Mr. Philip Zeidman, General Counsel of SBA, and Mr. John Douglas, Assistant Attorney General in charge of the Civil Division, Department of Justice, represented their two agencies. In our discussion, the substance of Mr. Kelley's complaint was affirmed and there was indication that there had been a considerable amount of delay in the handling of SBIC litigation.

I think we all recognize clearly the responsibility that the Department of Justice has for all Federal litigation. It must have sole authority to control the litigation because a diffusion of authority would result in conflicting policies. The resulting confusion would not be in the best interest of the Government.

There has been some discussion of this problem of SBIC litigation between the two agencies in the past. In 1963 the Department of Justice and SBA entered into an agreement regarding SBIC litigation. This agreement recognizes at the beginning that:

> The Department of Justice has supervisory control over all litigation.

However, it goes on to say:

> None of the above is to qualify the right of SBA attorneys to go into court and conduct litigation arising under the Small Business Investment Act, although Justice believes that there may be a few very unusual cases which it will desire to handle itself.

I think that this agreement was a very sensible and logical one. It placed the authority for litigation where it should be, that is, the Department of Justice. It also would permit SBA to handle most of their own civil SBIC cases in court. Somehow there has been some trouble in implementing this agreement.

As a result of my conference with Mr. Zeidman and Mr. Douglas, I sent a letter to the Administrator of SBA, Mr. Bernard L. Boutin, and to the Attorney General, Mr. Nicholas deB. Katzenbach. In my letter I reviewed the allegations of delay made by Mr. Kelley. I also pointed out that there were differences in opinion between the two agencies as to the exact limits of the agreement reached in 1963. I urged the two agencies to resolve their differences and to reaffirm and to adhere to the agreement. I also requested a report on the status of SBIC litigation every 6 months.

On July 27, 1966, I received a reply to my letter from Attorney General Katzen-

bach in which he says that the SBA and the Department of Justice "have agreed to work out the specific methods by which the 1963 agreement can be carried out in a manner satisfactory to both agencies." I have also received a reply from SBA Administrator Boutin expressing a willingness to cooperate in this matter. The agencies both agreed to report to the Small Business Subcommittee every 6 months on this litigation.

Mr. President, I intend to follow this matter very carefully. I am well pleased with the response I have received to my efforts to improve the progress and effectiveness of SBIC litigation. This is an important matter affecting the regulatory and enforcement powers of the SBA. The delays in the handling of this litigation must not be permitted to continue.

I think that if SBA conducts more of its civil SBIC cases they will be handled promptly and efficiently. I am convinced that this can be done without eroding the ultimate responsibility that the Department of Justice has over Federal litigation.

Mr. President, I want to stress that this agreement dates from 1963 when the Department of Justice and the Small Business Administration exchanged letters affirming the agreement.

However, it has been a dead letter. It has not been honored.

Now, Mr. President, how are we to see that this logical agreement will be honored, not dishonored, from now on?

The answer is that the Department of Justice and the SBA will report every 6 months beginning in January 1967 to the Small Business Subcommittee of the Banking Committee on the status of SBIC litigation.

We will have the facts. We will know whether or not SBA attorneys have in fact been able "to go into court and conduct litigation arising under the Small Business Investment Act," and to do so except "in a few very unusual cases."

We will not be reluctant to make these reports available to the Senate, and if this agreement is not honored, we will recommend legislation to the Congress to assure that these cases are handled expeditiously and competently.

Mr. President, I ask unanimous consent that there be placed in the RECORD a copy of the 1963 agreement between SBA and the Department of Justice; a copy of a letter dated October 18, 1963, from Mr. Eugene P. Foley, Administrator of SBA, to Mr. Nicholas deB. Katzenbach, Deputy Attorney General; a letter from me to Mr. Katzenbach dated July 22, 1966; a copy of Mr. Katzenbach's reply to my letter dated July 27, 1966; and a copy of a reply dated July 28, 1966, of Mr. Bernard L. Boutin, Administrator of SBA, to my letter to him dated July 22, 1966.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE 1963 AGREEMENT BETWEEN SBA AND THE DEPARTMENT OF JUSTICE

The Department of Justice has supervisory control over all litigation in courts, including SBA litigation. Therefore, prior to initiating any litigation, SBA is to receive clearance from the Department of Justice. The most important reason for such clearance is to determine that the proposed litigation will not adversely affect criminal prosecutions, civil fraud litigation, or other litigation in which Justice is or may become involved. Further, SBA attorneys during the course of litigation will receive clearance from the appropriate U. S. Attorney prior to taking any steps which will significantly affect the outcome of the case. Again, the most important reason for such clearance would be the same as above. Nor will SBA knowingly take any action out of court which will affect pending litigation.

None of the above is to qualify the right of SBA attorneys to go into court and conduct litigation arising under the Small Business Investment Act, although Justice believes that there may be a few very unusual cases which it will desire to handle itself. Nor does any of the above imply any desire on the part of Justice to control investigations or administrative matters conducted by SBA unless such matters directly affect litigation being conducted or to be conducted by Justice.

In all documents filed in court proceedings, the name of the U. S. Attorney will be of equal rank with the first-listed SBA attorney.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., October 18, 1963.

Hon. NICHOLAS DEB. KATZENBACH,
Deputy Attorney General, Department of Justice, Washington, D.C.

DEAR MR. KATZENBACH: As you know, members of our staffs have met to discuss the respective functions of the Department of Justice and of this Agency with regard to litigation arising out of the Small Business Investment Act of 1958. They have not been able to reach complete agreement on all particulars. We have, however, been reassured by your staff that, when we have determined that a particular course of action best serves the needs of the small business investment company program, the Department does not contemplate frequent instances of either delay or serious questioning of the proposed action.

I recognize that instances in which our proposed action might have an adverse effect on pending or proposed litigation within your exclusive jurisdiction, such as criminal prosecutions, must represent an exception to this understanding. I further recognize that it is impossible to lay down rules to govern every possible contingency; to a considerable extent we must each rely upon the good faith of the other, and upon our mutual desire to protect the interests of the United States as effectively as possible.

You will appreciate, I am sure, that I have statutory duties to discharge. In the light of the reassurances noted above, I believe that I can discharge those duties within the framework of your staff's proposed arrangement, a copy of which is enclosed. I have therefore instructed my staff to work out the details of such an arrangement, and I have been informed by them that they contemplate no great difficulty in doing so.

Sincerely,

EUGENE P. FOLEY,
Administrator.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., October 30, 1963.

Hon. EUGENE P. FOLEY,
Administrator,
Small Business Administration,
Washington, D.C.

DEAR MR. FOLEY: Thank you for your letter of October 18, 1963, expressing the willingness of your agency to recognize the authority of the Department of Justice to control SBA litigation, within the framework of a statement you attached which had been prepared by your staff. I am confident that if the mutual assurances set forth in your letter and statement are adhered to generously and in good faith we will encounter no further difficulties in carrying out our respective statutory responsibilities.

Your letter speaks only in terms of litigation under the Small Business Investment Act of 1958. I assume that your agency will continue to recognize the authority of the Department of Justice to control all other SBA litigation, as you have in the past (see, for example, your general counsel's letters to Assistant Attorney General Douglas, March 25, 1963, and to Acting Assistant Attorney General Guilfoyle, January 29, 1963).

I should also note that references to the United States Attorneys in the statement attached to your letter should be considered as comprehending Assistant Attorneys General and other attorneys of the Department of Justice, where appropriate. Many actions in relation to litigation are not within the delegated authority of the United States Attorneys and must be cleared at the departmental level. The recent discussions and correspondence between your agency and the Department cannot, of course, be construed as any enlargement of the authority of United States Attorneys with respect to SBA litigation.

I am pleased that this problem has been resolved amicably and to the mutual satisfaction of our respective agencies. We look forward to working with you on a fully cooperative basis in the future.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

JULY 22, 1966.

Hon. BERNARD L. BOUTIN,
Administrator,
Small Business Administration,
Washington, D.C.

DEAR MR. BOUTIN: On July 19, 1966, Mr. Richard E. Kelley, former Deputy Administrator for Investment, Small Business Administration, testified before the Senate Small Business Subcommittee of which I am chairman. In his testimony Mr. Kelley complained about the delay in the handling of SBIC cases by the Department of Justice. Mr. Kelley said, "No single matter was more frustrating to all of us at the agency than our relations with the Department."

As a result of this testimony, I invited representatives of the Department of Justice and the Small Business Administration to discuss this matter with me. On the afternoon of July 21, 1966, Mr. John Douglas, Assistant Attorney General, Civil Division, and Mr. Philip Zeidman, General Counsel, SBA, came to my office to talk to me.

During the course of our meeting it was brought out that in October, 1963, an agreement had been entered into by the Department of Justice and SBA regarding the handling of litigation arising out of the Small Business Investment Act of 1958.

This agreement recognizes the need for Justice Department control of the litigation when it states, "The Department of Justice has supervisory control over all litigation in courts, including SBA litigation." However, it recognizes that SBA should play an important role in the handling of court cases except in rare instances as follows:

"None of the above is to qualify the right of SBA attorneys to go into court and conduct litigation arising under the Small Business Investment Act, although Justice believes that there may be a few unusual cases which it will desire to handle itself."

There was some question regarding the interpretation of the agreement. Mr. Douglas indicated that he would need time to study the agreement and its background.

It appears to me that this agreement meets the legitimate responsibilities of both the

Department of Justice and the Small Business Administration in the conduct of SBIC litigation. I would like to urge both the Department of Justice and the Small Business Administration to reaffirm and to adhere to this agreement so that SBIC litigation will not suffer the delays to which it has been subjected in the past.

I would like to receive a periodic report on the status of SBIC litigation. It seems to me that a report every six months would be sufficient to keep the Small Business Subcommittee informed on the progress of this litigation.

Please let me know as soon as possible the conclusions that the Department of Justice and the Small Business Administration reach on this very important matter. This delay must not be allowed to continue.

I am sending an identical letter to Attorney General Katzenbach.

Sincerely yours,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Small Business.

HON. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I welcome your suggestion of July 22 that the Department of Justice and the Small Business Administration reaffirm and adhere to the agreement reached in 1963 between the Department of Justice and the Small Business Administration regarding the handling of litigation arising out of the Small Business Investment Act of 1958. While we do not, of course, accept Mr. Kelley's statements, I share your view that the 1963 agreement meets the legitimate responsibilities of the Department and the Small Business Administration in the conduct of SBIC litigation.

I have spoken to Mr. Boutin, the present Administrator of the Small Business Administration and we have agreed to work out specific methods by which the 1963 agreement can be carried out in a manner satisfactory to both agencies. Staff members of the respective agencies will confer on this matter in the near future and should be able to reach common ground. We in the Department of Justice pledge every effort to reach an accommodation in a way which will permit SBA attorneys to get into court in civil cases more frequently than in the past.

Pursuant to your request, we are preparing a report on the present status of all SBIC litigation and will provide your committee with such a report every six months. We appreciate your constructive interest in this matter.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

SMALL BUSINESS ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C.

HON. WILLIAM PROXMIRE,
Chairman, Subcommittee on Small Business, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of July 22, 1966, summarizing the meeting of July 21, attended by Mr. Philip Zeidman, General Counsel of this Agency, at which you explored the relationship between the Department of Justice and the Small Business Administration. I am grateful for your interest in the speedy and effective enforcement of the Small Business Investment Act and regulations. I want to assure you that this is an interest which I share. I am determined to achieve that objective.

We will be pleased to comply with your request for a semi-annual report on the status of SBIC litigation. If agreeable with you, we will make our first report in January of 1967, effective as of December 31, 1966.

Sincerely yours,

BERNARD L. BOUTIN,
Administrator.

NEGROES AND THE OPEN SOCIETY

Mr. JAVITS. Mr. President, on August 2, the Honorable Edward W. Brooke, the Attorney General of the Commonwealth of Massachusetts, issued a statement entitled "Negroes and the Open Society." In this paper, Attorney General Brooke surveys the plight of Negroes in this country and offers his suggestions for State and Federal action in the areas of education, housing, employment, health, and equal justice.

Mr. Brooke, himself an eminent Negro, has outlined a constructive, comprehensive program which should be of interest to the Congress. I therefore ask unanimous consent to have printed in the RECORD the text of his statement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NEGROES AND THE OPEN SOCIETY

(By Edward W. Brooke, Attorney General of the Commonwealth of Massachusetts and Republican candidate for U.S. Senator)

Racial discrimination has struck at the heart of the American dream—the promise of freedom and equality of opportunity—for over two hundred years. It has gnawed at the political and social fabric of America, at times threatening to overwhelm us. It has exacted high costs—in human suffering, economic loss (a loss that approached $27 billion in 1966), inferior education, blighted neighborhoods, and infant mortality to mention only a few. Radical discrimination has been a serious handicap to our foreign policy, especially in our relations with the peoples of the developing nations of Asia, Africa, and Latin America.

I advocate a broadly-based, massive assault against all remaining forms of discrimination in American life.

I call for an Open Society—a society which extends to *all* Americans the freedom and opportunity to have equal justice under law, to obtain quality education, to enjoy decent housing and good health, and to gain equal access to the economic benefits available in a free enterprise system. In order to achieve an Open Society, the thinking and approach to the problem of civil rights must be redirected. There must be a major shift in emphasis in current programs. I suggest three guidelines.

1. *A Coordinated, Comprehensive, Strategic Attack.*

The problems of racial discrimination are interrelated. They occur in discernible patterns. Patterns of segregation in housing are reflected in *de facto* segregation in schools. Substandard education is correlated with high rates of unemployment. Limitations on employment and the opportunity for vocational advancement, in turn, restrict income and economic mobility.

Discrimination is a *system* that will yield only to a coordinated, comprehensive, strategic attack. In recent years, other than civil rights groups, the Federal Government has borne the brunt of this attack. But state and local governments and the private sector of our nation—our universities, churches, our labor unions, businesses and civic associations—must be allies. An excellent example has been Massachusetts, whilch has actually moved in a direction that is well in advance of the Federal Government.

If this nation is to deal with more than the individual symptoms, a constructive partnership will be needed between the public and the private sectors at all levels.

2. *Metropolitan Planning.*

The problem of discrimination against the Negro is no longer a regional problem. The experiences of depression, war, and population migration have made it a problem of national scope, increasingly focused in our metropolitan centers of population. Negroes who have moved to the nation's cities, have been excluded by economic and racial barriers from the predominantly white residential suburbs. The growing ghettos of our central cities, with their deteriorating housing, inferior schools and generally inadequate public facilities now stand as the greatest challenge to the achievement of an Open Society.

If the nation is to resolve the problems stemming from racial concentration in our cities it will need metropolitan-wide planning. It cannot be bound by local prejudice or by the inertia of poorly conceived governmental programs. Too many Federal programs stop with the central city when the basic problems of discrimination are much wider. Here must be a willingness to experiment with enlarged governmental districts, intergovernmental compacts, new site locations for housing, schools, and other public facilities, and programs that link two or more communities in the metropolitan area.

In substance, a new metropolitan perspective must be applied to virtually all facets of discrimination in our urban society. Without such planning, the problems of the ghetto will become insurmountable.

3. *Vigorous Enforcement of the Law.*—Another guideline of any effective civil rights program is vigorous enforcement of the law. The national Administration's failure to enforce civil rights laws has caused great disappointment.

Title VI of the Civil Rights Act of 1964 bans discrimination in all Federally assisted programs. But not until May of 1966 did the Secretary of Health, Education and Welfare announce that Federal funds would be withheld from school districts that practice discrimination. One year after passage of the Civil Rights Act, the United States Commission on Civil Rights found that there were discernible patterns of noncompliance in nearly two-thirds of the hospitals surveyed—despite the fact that each hospital had received financial assistance from the Federal Government. And to date, the Justice Department has failed to appoint any Federal registrars to Georgia under provisions of the Voting Rights Act of 1965, even though that state has the largest number of unregistered Negroes of voting age. These are only the most blatant examples of executive inaction.

Weak enforcement can be traced in other areas to inadequate planning and staffing. Moreover, some enforcement procedures have proved to be ineffective tools in rooting out discrimination. The complaint system, for example, has generally proved useless because the burden of filing court suits has been placed on the victims of discrimination.

Existing civil rights law must be a more potent weapon in the war against segregation and discrimination. Legislation must be vigorously enforced. Enforcement agencies must be provided with adequate staffs to provide the necessary leadership. And those laws which contain inadequate enforcement procedures must be amended.

These principles should guide our attack in the following major areas of discrimination in American society.

I. EDUCATION

Twelve years after the Supreme Court decision on school segregation, virtually no progress has been made in desegregating our schools. Only about 6 percent of Southern Negro children attend school with white children.

In both the North and South Negro schools are almost always inferior in quality to white

schools; and both Negro and white school children now receive an inferior education to the extent that they are not being prepared to live in a pluralistic society. The elimination of segregation from the schools is the most critical issue facing American education today.

The United States Office of Education sets the guidelines under which school systems must desegregate. The most recent guidelines of March 1966 are considerably stronger than those issued in the past. However, despite the May deadline for filing compliance agreements for the 1966–1967 school year, by mid July, 78 school systems in the South had failed to submit plans for desegregation as a first step for meeting government demands. Close to 90 more schools districts had submitted agreements but attached conditions that may prove unacceptable upon review.

In the face of this open defiance of the Civil Rights Act of 1964, no Federal funds were withdrawn from school districts that discriminate until May of this year and only 12 districts were affected at the time.

Whereas segregation in the South has traditionally been supported by law, Northern style segregation, commonly referred to as *de facto* segregation, has risen primarily from community custom and indifference, segregated patterns of housing and gerrymandered school districts.

In Philadelphia, 58 percent of the pupils enrolled in public schools are Negro; in Manhattan, 75 percent of the children are nonwhite in Washington, D.C., 89 percent of the pupils in public schools are Negro. And the percentages are increasing.

The tragedy of the ghetto, however, involves more than the racial concentration of our schools. As psychologist Dr. Kenneth Clark states, "segregation and inferior education reinforce each other." The quality of education invariably suffers.

The Federal Government has taken no action in the North in the mistaken belief that the mere *threat* of withholding funds would force school districts to take steps toward ending *de facto* segregation. But even this threat has been removed with the recent announcement by Secretary of Health, Education, and Welfare John Gardner that Title VI of the Civil Rights Act of 1964 did not apply to *de facto* segregation.

Recommendations

To meet the crisis in education faced in the North and South alike, I strongly urge that the following steps be taken:

1. *Action on School Desegregation.*

Prompt and vigorous enforcement of Title VI of the Civil Rights Act of 1964 (banning discrimination in all Federally assisted programs) is required. The Federal Government must not hesitate to cut off funds from school districts which fail to meet the Government's standard. To assure this end:

Congress should provide adequate staff and funding for the enforcement operation of the Office of Education and should increase its initial appropriation of $3 million to desegregating school districts.

Congress should enact Title II of the Administration's Civil Rights Bill of 1966 which would strengthen the Office of the Attorney General in desegregation suits. This section would allow the Attorney General to file desegregation suits, even if he did not have a written complaint and local residents were financially able to sue on their own behalf.

2. *Reducing Racial Concentration.*

Short-term measures such as the pairing of schools, busing (for example, the Metropolitan Council for Educational Opportunities—better known as METCO—in Massachusetts) and open enrollment while quite useful, should not be regarded as permanent solutions to the problem of racial imbalance. An adequate solution will require metropolitan area planning.

Congress should move to clarify the ambiguities contained in Title VI of the Civil Rights Act of 1964 by enacting legislation which makes *de facto* segregation of schools illegal and provides for the withholding of funds from school districts which practice *de facto* segregation. The Federal courts should be given the authority to enforce the provisions of the law. At present, Massachusetts is faced with an anomalous situation in which state funds have been withheld because of *de facto* segregation in the Boston school system, while millions of dollars are poured into the City by the Federal Government.

Federal grants issued under Title I of the Elementary and Secondary School Act should be used as incentives to metropolitan planning. Federal funds issued for school construction should be used to break up, rather than strengthen, the patterns of segregation.

The states, in cooperation with the Federal government, localities, and private sector, should implement effective metropolitan planning in education. Such planning should include the enlargement of school districts, new transportation patterns, and the construction of new schools aimed at reducing racial concentration.

Educational parks, in particular represent a promising, bold approach to the problem of achieving quality education and more racially balanced schools. These school complexes would assemble on a single large campus children from an attendance area broad enough to include both majority and minority children. The concentration of students, teachers and resources would result in richer programs and more services than any individual school could provide. Their strategic location would help alleviate the problem of racial imbalance as well.

3. *Teachers and Curriculum*

Teachers can play a vital role in upgrading the quality of education and in school integration.

Where practice teaching is done on a segregated basis, the Federal Government should take action under Title VI of the Civil Rights Act of 1964.

State Departments of Education and local Boards of Education should actively recruit and train qualified teachers who are Negro.

Congress should provide adequate funding for the National Teacher Corps, an imaginative effort aimed at breaking down the vicious cycle of poverty and ignorance in rural and urban slums.

A comprehensive system of pre-school centers for underprivileged children operating both during the school year and during the summer months is required. The highly successful Operation Headstart program should be expanded, systemized, and imaginatively administered.

Finally, new methods of curriculum should be devised. Textbooks should reflect a more realistic view of the role of minority groups in our history.

II. HOUSING

For millions of Negroes, housing means the lack of free choice in selecting a place to live, and congested ghettos that breed broken homes, delinquency, illegitimacy, drug addiction and crime. Since World War II, the pattern in housing has been new homes in the suburbs for white families with rising incomes and old homes in central cities for Negroes. Indeed, the trend in recent years has been accelerating.

Because I believe the situation in housing has reached crisis proportions, I strongly urge that the following steps be taken:

1. *Banning Housing Discrimination.*

The Administration's housing bill banning racial discrimination in the sale, rental or financing of all types of housing, represents a potentially important advance in assuring freedom of choice in the open market. This legislation is a significant step toward achieving the promise and spirit of the Constitution and the Declaration of Independence. Nevertheless, the Administration's method of attacking discrimination in housing ignores a more potent instrument.

The President could deal with the problem of discrimination in housing more effectively by issuing an appropriate executive order. President Kennedy's Executive Order No. 11063 banning discrimination in FHA and VA-financed housing, covered 20 per cent of the total housing supply. By extending the Executive Order to all housing financed through banks and savings and loan institutions whose deposits are guaranteed by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC), more than 80 per cent of the housing supply could be covered.

In the absence of an executive order, the Administration's Bill should be supported. However, it should be strengthened in its proposed methods of enforcement. The concept of a Federal Fair Housing Board with effective enforcement powers—adopted as an amendment in the House Judiciary Committee—has sound precedent in numerous state open housing laws.

States and local governments should also take the initiative in ensuring open housing. Massachusetts has strong fair housing laws. They have been widely accepted by the citizens of the Commonwealth. Eighteen states now have similar housing laws on the books. These laws should be strengthened and vigorously enforced. The Massachusetts Republican Platform of 1966 calling for increased funds and authority for the Massachusetts Commission Against Discrimination should be implemented.

2. *Housing Low and Moderate Income Families.*

Our present Federal and state housing programs have been hampered by inadequate funds, poor planning and the power of suburban areas to veto housing plans, thus confining subsidized housing to the core city ghetto.

A coordinated effort between our public and private sectors is urgently needed to increase the rate of housing production for low and moderate income families. The present rate of housing production is only 1.4 million units per year. Most of this housing is priced beyond the reach of families below the median income level. Housing production must be increased to at least 2 million units per year—at least half of which should be made available to low and moderate-income families. Both Federal and state governments and private sources as well should contribute toward filling this gap.

Congress should provide funds for the Department of Housing and Urban Development (HUD) to conduct research in such areas as the amount of sub-standard housing and the need for low-income housing in the nation so that Federal programs may be directed to the areas of greatest need.

The rent supplement program recently approved by Congress should be made metropolitan wide in scope by elimination of the amendment allowing local governments to veto rent supplement projects. As originally introduced, the rent supplement bill was designed to encourage the development of housing throughout the metropolitan region and to rent a portion of these new units to low income families under a supplement program. The local veto amendment minimizes the possibility of locating units outside of congested city cores.

3. *Metropolitan Planning.*

Any attempt to reduce racial concentration in housing must necessarily involve the dispersal of low-income families through metropolitan planning. The various governmental units must undertake joint ventures to meet the problems of both desegregation

and increasing the supply of low and moderate income housing on a metropolitan area-wide basis.

Districts within the metropolitan area should be rezoned and provisions made for low and moderate income housing programs. These programs should be comprehensive enough to provide for community services and transportation networks to other areas.

Federal and state housing funds going to local governments should be used as incentives for the development of metropolitan-wide plans for low and moderate income housing.

4. *Revitalization of the Ghetto.*

On a long-term basis, the plight of the ghetto can and will be relieved by an open market in housing and meaningful planning of low and moderate income housing outside of the central city. In the meantime, we must utilize our present resources to rehabilitate the ghetto.

It is not enough to tear down and renovate our slums. Equally important is the need to link the physical rehabilitation of the slum to the social rehabilitation of its inhabitants.

The Administration's Demonstration Cities Bill represents a new approach to the problem which deserves to be tested. However, the program is deficient in its failure to embrace the entire urban community. The program should provide incentives for planning on a broader scale, for those areas in which the problem of segregation transcends the boundaries of the central city.

Community Action Programs provide people living within the ghetto the opportunity to improve their situation through cooperative effort. They also serve to call the public's attention to the substandard living conditions of the "invisible poor." To be effective, these programs will require imaginative approaches by governmental agencies at the local, state, and national levels.

IV. EMPLOYMENT

Millions of Negroes remain untouched by the wealth of our affluent society. The unemployment rate among Negroes is 7 percent, more than twice the average for whites. Often, Negroes can only find employment in low-skilled, low-wage occupations and industries with the lowest growth rates and the most limited opportunities for advancement. Moreover, these jobs are most vulnerable to the rapid pace of automation. Joblessness among Negro youths is a particularly acute problem. As of April 1966, 19 percent of out-of-school Negro youths between 16 and 21 were unemployed, twice the rate for white youths in the same category. These unemployed figures are reflected in the mounting welfare budgets of our major cities.

Recommendations

No single, simple, quick measure can eliminate these critical problems. I strongly urge the adoption of a broadly based action program which includes the following points:

1. *New enforcement powers for the Equal Employment Opportunity Commission.*

Title VII of the Civil Rights Act of 1964 which prohibits discrimination by employers, unions, and employment agencies should be strengthened. At present, the Equal Employment Opportunity Commission, created by the Act to carry out Title VII, can only investigate complaints of discrimination and then seek conciliation. If no redress is possible, the individual must take the initiative in seeking redress in the courts. Because of the complaint system, the EEOC has had only negligible impact on employment discrimination. In addition, the EEOC has been hampered by insufficient investigative powers and resources, limited enforcement powers which are complicated and ineffective, and a lack of administrative authority to undertake or coordinate manpower development or economic opportunity programs in support of its enforcement activities.

Title VII of the Civil Rights Act of 1964 should be amended to authorize the Equal Employment Opportunity Commission to issue cease-and-desist orders against individuals engaged in unlawful employment practices and to order back pay to those who have suffered financial loss through the denial of equal employment opportunity.

2. *State fair employment practices commissions.*

A number of states have made important advances in establishing state antidiscrimination commissions. However, the effectiveness of these state agencies has often been limited by inadequate financial support and excessive restraint in enforcement.

States should take the initiative in strengthening state fair employment practices commissions. In this regard, I urge implementation of the 1966 Massachusetts Platform plank which calls for strengthening the Massachusetts Commission Against Discrimination (MCAD).

3. *Eliminating discrimination in trade unions.*

In spite of the progress made by labor unions to promote equal employment practices, a number of unions continue to discriminate against Negroes. Unions have a special obligation to make a place for those against whom they and employers have too long discriminated. I urge, therefore, that:

Government contracting authority, in accordance with the Civil Rights Act of 1964 and an executive order banning discrimination on work done by Federal contract, be used to insure equal employment practices and expanded training opportunities on all Federal projects. It is regrettable that the Departments of Labor and Justice did not initiate action against trade unions to enforce nondiscrimination on government contracts until February, 1966.

Unions on all levels evaluate and revise all programs and practices that discriminate unfairly in job placement, job training or advancement. National union leadership should take affirmative action against unions that continue discriminatory practices.

Unions increase job opportunities in the skilled crafts and building trades by a) actively recruiting Negroes and others into craft unions; b) establishing pre-apprenticeship training to help Negro youths qualify for apprenticeship programs.

4. *Metropolitan Job Councils.*

Metropolitan Job Councils should be established by private sources in all major urban areas to plan, coordinate, and implement local programs to increase job opportunities for Negroes. Membership should include representatives of business, organized labor, education, and other appropriate community organizations. These councils would accumulate up-to-date information on the Negro labor force and job opportunities in the area, and would help coordinate and improve existing programs. Technical assistance would be offered by the Councils to help employers and unions make positive efforts to recruit Negro workers, and eliminate unnecessarily rigid hiring specifications.

5. *Rural employment programs.*

Many marginal farmers have become victims of mechanization, shrinking acreage allotments, and racial prejudice. The migration of unskilled rural Negroes to urban areas has created additional problems. Between 1960 and 1964, the number of Negro farmers decreased by 35 percent. To meet these problems I recommend that:

The Secretary of Agriculture move immediately to implement the recommendations of the United States Civil Rights Commission aimed at the elimination of segregation in Department of Agriculture programs. The Secretary has made little progress in implementing the report which is now over a year old.

The Department of Agriculture extend to Negro farmers the necessary assistance, information, and encouragement to give them the equal opportunity to diversify their farm enterprises.

Federal, state, and local agencies and private groups as well cooperate in the development of comprehensive programs to facilitate the adjustment of rural families moving to urban areas. Centers should be created in rural surplus labor areas to help potential migrants make arrangements for jobs and housing and should provide vocational and personal counselling.

6. *Employment Programs for Negro Youth.*

Programs for intensive counselling of Negro youth, the sector of our population with the highest incidence of unemployment, are grossly inadequate. The need exists for year-round youth job placement services.

Counselling services for in-school youths should be improved and expanded with the aid of skilled vocation advisers acquainted with requirements of industry. Expanded high school vocational education programs are also needed in urban and rural areas to train youths effectively for occupations in which employment opportunities are available.

Business and industry should work closely with schools and labor unions through Metropolitan Job Councils where possible to gear in-school training realistically to job requirements and to broaden in-service training opportunities.

V. HEALTH

Negroes are subject to more illnesses and disabilities than white people; they lose between one and one-third times as many days of work from disease or disability, and have a higher infant mortality rate and a seven years shorter life expectancy. The figures are integrally related to poor living conditions and inadequate health care.

The effects of inadequate health care are compounded by discrimination—especially in the South. Despite the fact that Title VI of the Civil Rights Act of 1964 bans discrimination from health facilities receiving Federal funds, wide-spread discrimination against Negroes still exists. Negro doctors, dentists and technicians are all too often refused staff privileges and excluded from professional societies; Negro nurses are excluded from training programs, paid lower wages and forced to eat in segregated cafeterias; and, Negro patients continue to be placed in segregated wards.

The persistence of this discrimination can be traced in large part to the failure of the U.S. Department of Health, Education and Welfare to take steps necessary to achieve compliance with the law. Effective enforcement action has not been taken. Except in cases where complaints have been filed, field inspections have not even been made to ascertain the extent of noncompliance.

To remedy these abuses in medical care, I strongly urge that the following steps be taken:

1. *Enforcing compliance in health care.*

HEW should conduct surveys and thorough field examinations to determine the extent of discrimination in federally assisted health programs. Funds should be withheld from those hospitals which continue to discriminate against Negroes in violation of the Civil Rights Act of 1964. Finally, HEW should take steps to ensure that hospitals participating in the Medicare program comply with Federal laws against discrimination.

2. *Improved Health Services.*

While the new programs of Medicare and medical aid for the indigent represent increased provision of medical services to low

income families (many of whom are Negroes), they should be supplemented by:

Additional experimentation in the concept of neighborhood health centers which provide a range of health services on a coordinated basis to all members of the family in a single location. The neighborhood health center sponsored by Tufts University in the Columbia Point housing development is an excellent example of how health services can be more effectively delivered to low income families that would not otherwise receive them.

Comprehensive study and evaluation of ways of improving the quality and availability of medical services to low income families in both urban and rural areas.

3. *Medical Research.*

Organizations, both private and public, should undertake thorough studies to examine the causes of the Negro's high infant mortality rate and lower life expectancy and should develop a comprehensive plan of attack on these problems. The continued disparity between the Negro and white population in these vital statistics is cause for deep national concern.

VI. JUSTICE

1. *Protecting Negroes and civil rights workers.*

The tragic shooting of James Meredith in Mississippi is the latest in a series of violent acts committed against civil rights workers. Since 1960, an estimated thirty Negro and white civil rights workers have been murdered in the South, while countless others have been the victims of beatings, bombings, maimings, and shootings.

The continuing failure of all-white juries to convict assailants has, in addition, focused the nation's attention on the gross inequities in the jury system in the South. We can no longer tolerate a system of justice in which Negroes and civil rights workers are not free to exercise their constitutional rights. We can no longer postpone fulfillment of our national pledge to liberty and justice for all. It is time to guarantee that justice will be done throughout the nation.

A number of bills pending before Congress and sponsored by Republicans and Democrats alike are designed to remedy these flagrant abuses. I urge that Congress enact a strong civil rights bill during this session—one that includes, in this area, the following:

Provision for a representative cross-section of the population on jury lists, thereby eliminating discrimination on the grounds of race or color in jury selection.

Removal of certain criminal cases to the Federal courts where state jury selection procedures are not in accordance with Federal procedures.

Greater Federal protection against intimidation of Negroes and civil rights workers, including stronger Federal criminal penalties for those who deprive individuals of their federally protected rights.

Amendment of the United States Code so that local, county and city governments are held *jointly* liable with officials employed by the government who deprive persons of rights protected by the Code.

Establishment of an Indemnification Board within the Federal Government with authority to grant money damages to the person(s) whose federally protected rights have been violated.

2. *Voting Rights.*

The Voting Rights Act of 1965 largely removed the legal barriers to voting. However, apathy, fear and ignorance continue to impede Negro registration and voting. While Congressional action in the area of voting is not now needed, the Administration must take the lead in enforcement. It has not yet enforced the law in large areas of the South, notably Georgia. Beyond enforcement, the Administration must provide more imaginative and innovative voter registration education where it has sent Federal examiners. Pamphlets and posters in all Federal facilities advertising voter registration might be used. Finally, voter registration hours should be better advertised in Southern communities.

3. *"Home Rule" for the District of Columbia.*

Since 1874 the people of Washington, D.C. have been under the jurisdiction of the Congress—their pleas for self-government largely ignored. The situation is made more intolerable by the fact that 62 percent of the population is Negro, while ten members of the powerful House District Committee are from the South. That this situation should exist in a nation which prides itself on its democratic principles is deplorable enough. But that such a situation be permitted to continue in our nation's capital is reprehensible. Attempts to get a "home rule" bill through Congress this year have once again failed. But this issue must not be allowed to die. I strongly urge Congress to act and to restore democracy to our nation's capitol once more.

* * * * *

The challenge of a "Great Society" cannot be fulfilled until we have achieved an Open Society, with equal opportunity for all Americans to obtain quality education, enjoy the minimum comforts of decent housing, sustain a potentially healthful existence, and gain access to the material benefits of our abundant, free economy.

This challenge is a particularly fitting one for the Republican Party, as the party of Lincoln, to undertake. It is a challenge underlined by the noble purpose and inspiration of a uniquely American dream. For, over the course of more than three centuries, we have dared to seek strength for our society by giving freedom to its members. We have liberated common men and women and have discovered uncommon faith and power. We have dedicated ourselves to the importance of the individual and have achieved unparalleled greatness as a nation.

As a people, we must now fulfill the promise of that dream. We must build a truly Open Society where all men have the right to achieve their individuality, where every man has the right to participate in the American dream.

LEGISLATIVE PROGRAM—INDEPENDENT OFFICES APPROPRIATIONS BILL

Mr. MAGNUSON. Mr. President, since I have been on the floor this morning, several Senators have asked me when we will bring up the independent offices appropriations bill, which is a long and complex bill, with many items and involving many departments, in which Senators have, in some cases, a general interest, but in some cases a more specific interest.

I have just conferred with the majority leader. There will be several votes on the independent offices appropriations bill since we have notice of certain amendments on different items. The majority leader advises me that the bill will be brought up on Monday if we complete action on the pending bill, the unemployment compensation bill, today. I was hopeful we could guarantee no action until Tuesday, but the leadership apparently wishes to begin with it upon the completion of the pending bill. There will be some votes on the independent offices appropriations bill when it is called up. I make that announcement because several Senators have asked about the scheduling of the bill.

UNEMPLOYMENT INSURANCE AMENDMENTS OF 1966

The Senate resumed the consideration of the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program.

The ACTING PRESIDENT pro tempore. The clerk will report the first committee amendment.

The LEGISLATIVE CLERK. On page 1, after line 6, strike out:

DEFINITION OF EMPLOYER

SEC. 101. (a) Subsection (a) of section 3306 of the Internal Revenue Code of 1954 is amended to read as follows:

"(a) EMPLOYER. For purposes of this chapter, the term 'employer' means, with respect to any calendar year, any person who—

"(1) during any calendar quarter in the calendar year paid wages of $1,500 or more, or

"(2) on each of some 20 days during the calendar year, each day being in a different calendar week, employed at least one individual in employment for some portion of the day."

(b) The amendment made by subsection (a) shall apply with respect to remuneration paid after December 31, 1968.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The LEGISLATIVE CLERK. On page 2, line 14, after the word "Sec." to strike out "102" and insert "101."

Mr. KUCHEL. Mr. President, would the Senator tell me——

Mr. LONG of Louisiana. We are only changing the section numbers.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The LEGISLATIVE CLERK. On page 3, line 7, after the word "Sec." to strike out "103" and insert "102."; on page 4, line 7, after the word "Sec." to strike out "104" and insert "103."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments. Without objection, the amendments are agreed to.

The LEGISLATIVE CLERK. On page 9, line 15, after the word "Sec." to strike out "105" and insert "104."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The LEGISLATIVE CLERK. On page 11, line 6, after the word "unemployment" to strike out "compensation;" and insert "compensation;" after line 7 to insert:

(B) the State shall participate in arrangements, approved by the Secretary of Labor, for combining employment in, and wages paid in, more than one State; and the eligibility of any individual for unemployment compensation, his weekly benefit amount and the maximum benefits payable to him, under any such arrangement, shall be based

on the individual's employment or wages paid, or both, in (i) the paying State and (ii) any transferring State as if such employment or wages were in the base period of the paying State: *Provided, however,* that employment or wages that have been used in the computation of any individual's eligibility for unemployment compensation in a transferring State shall not thereafter be transferred to a paying State, nor shall employment or wages that have been transferred to a paying State and used under any such wage combining arrangement be thereafter available for use in the transferring State;

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. LONG of Louisiana. Mr. President, I ask that we have a voice vote on that amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 15, line 24, after the word "Section" to strike out "3303(b) or" and insert "3303(b),".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The LEGISLATIVE CLERK. In line 25, after "Section 3304(c)", to insert "or Section 3309(a)."

Mr. ERVIN. Mr. President, may I ask what this does?

Mr. LONG of Louisiana. This is a conforming amendment.

Mr. ERVIN. It does not have to do with imposing Federal standards?

Mr. LONG of Louisiana. This is the House section regarding judicial review. It contains a conforming amendment.

Mr. WILLIAMS of Delaware. It does not involve that.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The LEGISLATIVE CLERK. On page 17, line 6, after the word "section", to strike out "3303(b) or" and insert "3303(b),"; in line 7, after "section 3304(c)", to insert "or section 3309(a)".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The LEGISLATIVE CLERK. On page 19, after line 8, to strike out:

SEC. 141. (a) Section 901(c)(3) of the Social Security Act is amended—

(1) by striking out "the net receipts" each place it appears in the first sentence and inserting in lieu thereof "five-sixths of the net receipts"; and

(2) by striking "0.4 percent" in the second sentence and inserting in lieu thereof "0.6 percent".

(b) The amendments made by subsection (a) shall apply to fiscal years beginning after June 30, 1967.

And, in lieu thereof, to insert:

SEC. 141. Section 901(c)(3) of the Social Security Act is amended—

(a) by striking paragraphs (A) and (B) and substituting therefor the following new paragraphs:

"(A) in the case of fiscal year 1967, an amount equal to 95 percent of the amount estimated and set forth in the Budget of the United States Government for such fiscal year as the net receipts during such year under the Federal Unemployment Tax Act;

"(B) in the case of fiscal year 1968, an amount equal to 95 percent of the amount estimated and set forth in the Budget of the United States Government for such fiscal year as five-sixths of the net receipts during such year under the Federal Unemployment Tax Act;

"(C) in the case of any fiscal year after fiscal year 1968, and before fiscal year 1973, an amount equal to 95 percent of the amount estimated and set forth in the Budget of the United States Government for such fiscal year as three-fourths of the net receipts during such year under the Federal Unemployment Tax Act; and

"(D) in the case of any fiscal year after fiscal year 1972, an amount equal to 95 percent of the amount estimated and set forth in the Budget of the United States Government for such fiscal year as two-thirds of the net receipts during such year under the Federal Unemployment Tax Act."; and

(b) by inserting immediately before the period at the end of the second sentence thereof the following: "in the case of any fiscal year prior to 1968, and of 0.6 percent in the case of fiscal year 1968 or any fiscal year thereafter".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The LEGISLATIVE CLERK. On page 22, line 6, after "(b)," to strike out "To assist in the establishment and provide for the continuation of the comprehensive research program relating to the unemployment compensation system, there" and insert "There"; in line 14, after the word "of", to strike out "such"; in the same line, after the word "research", to insert "authorized by this section".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The LEGISLATIVE CLERK. On page 27, after line 5, to insert:

PART E—BENEFIT REQUIREMENTS

Certification and requirements

SEC. 151. The Internal Revenue Code of 1954 is hereby amended by renumbering present section 3309 as section 3312 and inserting after section 3308 of such Code a new section 3309 as follows:

"SEC. 3309. (a) CERTIFICATION.—On October 31, 1968, and October 31 of each calendar year thereafter, the Secretary of Labor shall certify to the Secretary each State whose law he finds is in accord with the requirements of subsection (c) and has been in accord with such requirements for substantially all of the 12-month period ending on such October 31 (except that for 1968, it shall be the 4-month period ending on October 31) and that there has been substantial compliance with such State law requirements during such period. The Secretary of Labor shall not withhold his certification to the Secretary unless, after reasonable notice and opportunity for hearing to the State agency, he finds that the State law is not in accord with the requirements of subsection (c) or has not been in accord with such requirements for substantially all of the 12-month period ending on such October 31 (except that for 1968, it shall be the 4-month period ending on October 31) or that there has been a failure to comply substantially with such State law requirements during such period. For any State which is not certified under this subsection on any October 31, the Secretary of Labor shall within 10 days thereafter notify the Secretary of the reduction in the credit allowable to taxpayers subject to the unemployment compensation law of such State pursuant to section 3302(c)(4).

"(b) NOTICE TO GOVERNOR OF NONCERTIFICATION.—

"If at any time the Secretary of Labor has reason to believe that a State may not be certified under subsection (a) he shall promptly notify the Governor of such State.

"(c) REQUIREMENTS.—

"(1) With respect to benefit years beginning on or after July 1, 1968.—

"(A) the State law shall not require that an individual have more than 20 weeks of employment (or the equivalent as provided in subsection (4)) in the base period to qualify for unemployment compensation;

"(B) the State law shall provide that the weekly benefit amount of any eligible individual for a week of total unemployment shall be (i) an amount equal to at least one-half of such individual's average weekly wage as determined by the State agency, or (ii) the State maximum weekly benefit amount (exclusive of allowances with respect to dependents) payable with respect to such week under such law, whichever is the lesser;

"(C) the State law shall provide for an individual with 20 weeks of employment (or the equivalent) in the base period, benefits in a benefit year equal to at least 26 times his weekly benefit amount.

Any weekly benefit amount payable under a State law may be rounded to an even dollar amount in accordance with such State law.

"(2) The State maximum weekly benefit amount (exclusive of allowances with respect to dependents) shall be no less than 50 percent of the Statewide average weekly wage most recently computed before the beginning of any benefit year which begins after June 30, 1968.

"(3) In determining whether an individual has 20 weeks of employment, there must be counted as a week, any week in which the individual earned at least 25 percent of the Statewide average weekly wage.

"(4) For the purpose of subsections (c)(1)(A) and (C), the equivalent of 20 weeks of employment in a State which uses high-quarter wages is total base period wages equal to five times the Statewide average weekly wage, and either one and one-half times the individual's high-quarter earnings or forty times his weekly benefit amount, whichever is appropriate under State law.

"(d) DEFINITIONS.—

"(1) 'benefit year' means a period as defined in State law except that it shall not exceed one year beginning subsequent to the end of an individual's base period.

"(2) 'base period' means a period as defined in State law but it shall be fifty-two consecutive weeks, one year, or four consecutive calendar quarters ending not earlier than six months prior to the beginning of an individual's benefit year.

"(3) 'high-quarter wages' means the amount of wages for services performed in employment covered under the State law paid to an individual in that quarter of his base period in which such wages were highest, irrespective of the limitation on the amount of wages subject to contributions under such State law.

"(4) 'individual's average weekly wage' means an amount computed equal to (A) one-thirteenth of an individual's high-quarter wages, in a State which bases eligibility on high-quarter wages paid in the base period or (B) in any other State, the amount obtained by dividing the total amount of wages (irrespective of the limitation on the amount of wages subject to contributions under the State law) paid to such individual during his base period by the number of weeks in which he performed services in employment covered under such law during such period.

"(5) 'statewide average weekly wage' means the amount computed by the State agency at least once each year on the basis of the aggregate amount of wages, irrespective of the limitation on the amount of wages subject to contributions under such State law, reported by employers as paid for services covered under such State law during the first four of the last six completed calendar quarters prior to the effective date of the computation, divided by a figure representing fifty-two times the twelve-month average of the number of employees in the pay period which includes the twelfth day of each month during the same four calendar quarters, as reported by such employers."

(b) The table of sections for chapter 23 of such Code (as amended by sections 103(b)(2) and 131(b)(3) of this Act) is further amended—

(1) by striking out
"Sec. 3309. Short title."
and inserting in lieu thereof
"Sec. 3309. Benefit requirements."
and

(2) by adding at the end thereof the following:
"Sec. 3312. Short title.".

On page 32, after line 7, to insert:

Limitation on credit against tax

SEC. 152. (a) Section 3302(c) of the Internal Revenue Code of 1954 is amended by adding at the end thereof a new paragraph (4) as follows:

"(4) If the unemployment compensation law of a State has not been certified for a twelve-month period ending on October 31 pursuant to section 3309(a), then the total credits (after applying subsections (a) and (b) and paragraphs (1), (2), and (3) of this subsection) otherwise allowable under this section for the taxable year in which such October 31 occurs in the case of a taxpayer subject to the unemployment compensation law of such State shall be reduced by the amount by which 2.7 percent exceeds the four-year benefit cost rate applicable to such State for such taxable year in accordance with the notification of the Secretary of Labor pursuant to section 3309(a)."

(b) Subsection (c)(3)(C)(i) of section 3302 of such Code is amended by substituting the term "4-year" for the term "5-year."

(c) Section 3302(d)(5) of such Code is amended to read as follows:

"(5) 4-YEAR BENEFIT COST RATE.—For purposes of subsection (c)(4) and subparagraph (C) of subsection (c)(3), the 4-year benefit cost rate applicable to any State for any taxable year is that percentage obtained by dividing—

"(A) One-fourth of the total compensation paid under the State unemployment compensation law during the four-year period ending at the close of the first calendar year preceding such taxable year, by

"(B) The total of the remuneration subject to contributions under the State unemployment compensation law with respect to the first calendar year preceding such taxable year. 'Remuneration' for the purpose of this subparagraph shall include the amount of wages for services covered under the State law irrespective of the limitation of the amount of wages subject to contributions under such State law paid to an individual by an employer during any calendar year beginning with 1968 up to $3,900, and beginning with 1972, up to $4,800; for States for which it is necessary, the Secretary of Labor shall estimate the remuneration with respect to the calendar year preceding the taxable year."

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that we vote on the amendment beginning on page 27, line 6, down to and including line 7, on page 34, with the exception of the language beginning on page 28, line 19 down to and including line 20, page 29, and on that I shall ask for a division into four parts.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, what is the request?

Mr. LONG of Louisiana. We have four Federal standards on benefits. I am asking to vote on each one separately. That is all that I am asking.

Mr. WILLIAMS of Delaware. Will the Senator withhold that request until we have time to examine it further?

Mr. LONG of Louisiana. I shall withhold that for a moment. I believe that under the rules I am entitled to a division.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LONG of Louisiana. All that I am asking is that each of these four Federal standards be voted on individually.

Mr. ERVIN. Mr. President, reserving the right to object, I am seeking information. We have here a 51-page bill, copies of which have only recently been made available to Members of the Senate. I am trying to find out the request of the Senator from Louisiana or what his proposal is.

Mr. LONG of Louisiana. There are four Federal standards in the bill. I am asking that the Senate vote on each one separately, rather than on all four together. Some Senators favor one standard and some Senators favor another. I am simply considering the rights of every Senator in this matter, so that each Senator can vote for what he wants to vote for, and vote against what he wants to vote againt.

The first vote will come on whether workers are entitled to benefits after 20 weeks of work. There are 48 States in the Union which provide that if one has worked for 20 weeks, or roughly 5 months, the worker is entitled to some benefits. Forty-eight States conform. Only two States do not—Virginia, which requires 23 weeks, and Wyoming, which requires 26 weeks.

Mr. ERVIN. Mr. President, all I am asking for is some information so that I can make an intelligent appraisal of the bill, which has only just been made available to me. If I construe the remarks of the distinguished Senator from Louisiana correctly, the first one of these requirements is that which is set forth on page 28, lines 16 through 23.

Mr. LONG of Louisiana. I want a vote on those lines beginning with line 19 through line 23, on page 28. All we are saying is that 2 States will conform to what 48 States are doing right now. What we are saying in effect is that Virginia and Wyoming should conform to what the State of North Carolina is doing now—and 47 other States.

Mr. MORTON. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. MORTON. Do I understand correctly that the Senator from Louisiana wants to vote first on lines 19 through 23 on page 28?

Mr. LONG of Louisiana. The Senator is correct.

Mr. MORTON. And then would it be agreeable to the Senator, after we have disposed of that issue—incidentally, Puerto Rico is involved in this too, I believe.

Mr. LONG of Louisiana. I think not.

Mr. MORTON. After we have completed that issue, then we go to the remainder of sections 151 and 152 en bloc?

Mr. LONG of Louisiana. What I want is a vote, first, on subparagraph (A). That presents the issue of eligibility. Then I propose that we vote on subparagraph (B). That is the issue of an individual being entitled to 50 percent of his weekly benefits. Then I propose that we vote on subparagraph (C) as to whether a worker gets 26 weeks of benefits or not. Then I propose that we vote on paragraph (2), which says that 50 percent is the highest limit of the benefits a man can draw.

That presents four separate issues and I think that each one is very important and worth voting on individually. That is how we voted in committee; just that way.

Mr. MORTON. I understand that the committee voted on it just that way, and we lost by a vote of 9 to 8. But I am not about to agree to anything which will cause us to lose 9 to 8 again.

Mr. LONG of Louisiana. I hope the Senator loses by a larger vote than that. But, at the same time, my feeling is that each one of these issues presents something that a Senator might want to vote for, or he might want to vote against. Each one of them is worthy of being voted on individually, on its merits. It would be unfair to ask a Senator to vote on these points en bloc, because he may want to vote against one and vote for another. At least, we know that one Senator in the committee favored one over another. As the Senator knows so well, he would favor some parts of the committee amendments and would not favor others.

Mr. MORTON. Will the Senator from Louisiana yield further to me, in order to propound a parliamentary inquiry?

Mr. LONG of Louisiana. I yield.

Mr. MORTON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky will state it.

Mr. MORTON. We are now voting on the committee amendments individually. Should not section 151 be voted on as a committee amendment, without segmenting it or breaking it down?

The ACTING PRESIDENT pro tempore. If there is no unanimous-consent agreement and no demand for a division, the Senate would vote on the section beginning on page 27, line 6 down through and including page 34, line 7. However, if there is a request for a division—and there has been—then the Senate would vote on a different basis.

As the Chair understands the Senator from Louisiana, he is requesting that the Senate vote on the section on page 27, line 7 down through page 34, line 7, except for line 19 on page 28 down through

line 20 on page 29. On those, the Senator will ask for a division, which he has a right to do—it is in four parts. It does not take unanimous consent. The Senator has the right to do so.

Mr. WILLIAMS of Delaware. Mr. President, the division which has been asked for would mean six record votes on this section instead of one; is that not correct?

The ACTING PRESIDENT pro tempore. The Senator from Delaware has a perfect right to request that, but the Senator from Louisiana is asking that there be——

Mr. WILLIAMS of Delaware. I am not requesting. I would prefer to vote on the whole section at one time because it is all one plan involving four Federal standards. If the unanimous-consent request of the Senator from Louisiana is not granted, in asking for a division, he would then automatically be asking for six rollcall votes; is that not correct?

The ACTING PRESIDENT pro tempore. That is correct, except that the Senator from Louisiana is going further. He is asking for a division. He is asking for unanimous consent that the first part and the last part, which refer to indicating a change, be handled together.

Mr. WILLIAMS of Delaware. I understand that it could be done by unanimous consent.

We could have one vote or two votes whichever way is wished.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, the question I am asking is that in the absence of any unanimous consent being granted, we could either vote on the entire sections 151–152 en bloc, or if some Senator asks for a division it would then take six rollcall votes to achieve the same answer.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum, until we can find out just what the situation is.

Mr. LONG of Louisiana. Mr. President, what we are talking about is simple. If the Senate does not grant unanimous consent, I will just have to insist on a division. That means that we will vote on subparagraph (A) first——

Mr. WILLIAMS of Delaware. The reason I want to suggest the absence of a quorum is that this is the first I have heard of the Senator's request, and I want to be sure that I fully understand.

Mr. LONG of Louisiana. Let me say that so far as I am concerned, as chairman of the committee, I am happy to vote en bloc, but there are other Senators who have different views on parts of this issue. For example, in the committee, there were two Senators who, I believe, voted for subparagraph (A) because they felt that the States have no problem. They were voting to make two States come into line with the other 48 States, which includes theirs. But other Senators might feel differently about subparagraph (B). That being the case, I propose that we have a vote on each one of these important issues.

Mr. WILLIAMS of Delaware. I thought we were going to vote en bloc. I may agree to what the Senator is requesting, but I want to understand it first.

Mr. LONG of Louisiana. Let me say that it is a lot easier to have these votes one by one because then the Senate can understand all four at one time.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Delaware will state it.

Mr. WILLIAMS of Delaware. In the event there is a division asked and granted, would the Chair advise as to how the votes would come under such a description? Then we could decide.

Mr. ERVIN. Mr. President, I have some concern about this——

The ACTING PRESIDENT pro tempore. If unanimous consent is not granted, and a division is requested, the first vote will be on the language found on page 27, line 6, down to page 28, line 18.

Mr. LONG of Louisiana. Mr. President, has that amendment already been agreed to?

The ACTING PRESIDENT pro tempore. No, it has not been agreed to.

Mr. LONG of Louisiana. I ask that we vote on it. Let us vote on it, if there is no objection.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

Mr. LONG of Louisiana. Mr. President, will the Senator withhold that request?

The ACTING PRESIDENT pro tempore. Does the Senator from North Carolina withhold his suggestion of the absence of a quorum?

Mr. ERVIN. Mr. President, I deeply regret that the bill is brought up on such short notice. The bill was not available to us who are not on the committee until yesterday. We had to remain all day yesterday on the Senate floor considering the proposed legislation growing out of the strike of the machinists against the airlines. The proposed section 151 would make most drastic alterations in the unemployment compensation laws in the United States.

Frankly, I do not think the Senate ought to be rushed into acting on a bill of this major significance when the Members of the Senate other than those who happen to be on the Finance Committee have had no opportunity to study the bill.

The ACTING PRESIDENT pro tempore. Does the Senator from North Carolina withhold his suggestion of the absence of a quorum?

Mr. ERVIN. I withhold the suggestion of the absence of a quorum.

Mr. LONG of Louisiana. This amendment changes the date for certifying whether a State is eligible for tax credit under the law.

While the committee divided 9 to 7 on some votes, the certification date change from December 1 to October 31 was agreed to unanimously. It is not a controversial change.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. LONG of Louisiana. As I understand it, Mr. President, we are now considering the amendment from page 27, line 6 down to page 28, line 15, which is for the most part a conforming amendment. It changes the date of the act by 31 days.

Mr. MORTON. Fifteen.

The ACTING PRESIDENT pro tempore. The amendment is on page 27, line 6, to page 28, line 18.

Mr. MORTON. Mr. President, I thought it was line 15.

Mr. LONG of Louisiana. Eighteen.

Mr. MORTON. I beg the Senator's pardon.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. Without objection, the amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, I ask for a division of the next amendment.

The ACTING PRESIDENT pro tempore. How far does the Senator from Louisiana wish to divide it?

Mr. LONG of Louisiana. I ask for a division from line 19 to line 23 on page 28.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. WILLIAMS of Delaware. Since the Senate has agreed to lines 17 and 18, what effect does that have on lines 19 through 23, which are a part of the same amendment? Where we have agreed to part of the amendment what is the effect? Is a division now in order?

The ACTING PRESIDENT pro tempore. The Parliamentarian informs the Chair that the Chair cannot interpret legislation. The Chair was informed that this is the way the manager of the bill asked that it be divided, and the Parliamentarian informs the Chair that he had a right to do so.

Mr. WILLIAMS of Delaware. We voted on the language of the amendment down to line 18, and there was no objection to that. Lines 19 through 23 were set apart. What do they mean? They cannot stand by themselves. Lines 17 and 18 were only a part of other sections; would the other sections not have to be offered as a part of this amendment?

The ACTING PRESIDENT pro tempore. The answer as to whether lines 17 and 18 are sensible and necessary in the absence of what follows is something for the Senate to determine.

Mr. LONG of Louisiana. Mr. President, there seems to be some misunderstanding. We agreed to lines 17 and 18, did we not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LONG of Louisiana. So the next vote will be on lines 19 through 23. That is the first Federal standard in the bill.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is correct.

Mr. LONG of Louisiana. Mr. President, as I say, I want a division on that.

This provision requires that every worker be entitled to some unemployment insurance benefits after he has worked for 20 weeks. Forty-eight of the States provide some benefits at that point. There are two States which do not. Virginia requires 23 weeks instead of 20, and Wyoming requires 26.

This amendment would put Virginia and Wyoming in line with the other 48 States, and would mean that Virginia would pay benefits after 20 weeks of work instead of 23, as the other 48 States do, and would mean that Wyoming would pay benefits after 20 weeks instead of 26.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. ERVIN. Would not the effect of the amendment be to put Federal compulsion on those two States?

Mr. LONG of Louisiana. The Senator is correct. It would mean that.

Mr. ERVIN. In that respect, would it not alter the whole scheme of the unemployment compensation law?

Mr. LONG of Louisiana. No, it does not alter the whole scheme because 50 out of 52 jurisdictions already have this standard. But it would require 2 to come in line with 50.

Mr. ERVIN. Do not those other two States have those standards by virtue of acts of their State legislatures, rather than by acts of Congress?

Mr. LONG of Louisiana. That is correct.

Mr. ERVIN. Then this amendment would seek to impose a Federal standard upon all of the States of the Union, in violation of the provisions of existing law and in violation of the policy which has been pursued ever since unemployment compensation was established; and therefore, while the change seems harmless in its consequences, it is not harmless in its consequences because it amounts to putting Federal compulsion on the States, instead of having the State legislatures exercise the powers they have under existing law, to prescribe the standards governing the program within their respective jurisdictions.

Mr. LONG of Louisiana. Mr. President, we cannot put any Federal compulsion on North Carolina to do what North Carolina is already doing, nor can we put Federal compulsion on Louisiana to do what Louisiana is doing. It is beyond our power to make a State do something it is doing already.

Mr. ERVIN. The answer to that is very simple. We are putting a requirement upon North Carolina and upon Louisiana which they cannot hereafter vary by acts of their legislatures.

Mr. LONG of Louisiana. That is correct.

Mr. ERVIN. Yes.

Mr. LONG of Louisiana. But, Mr. President, with this amendment, we conform the Federal law to the practices in 50 jurisdictions and the practices in 48 States, including North Carolina and Louisiana. We provide here Federal recognition of what 48 States have done. It does require Virginia and Wyoming to come into line with the other 48 States, that is true.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. That would require Virginia and Wyoming to come into line with the other 48 States, but it also precludes any of the other 48 States from changing their standards in the future; is that not correct?

Mr. LONG of Louisiana. They can change it to make it more generous, but they cannot change it to make it more onerous; that is correct.

Mr. WILLIAMS of Delaware. So in effect we are imposing standards on all 50 States when we do this.

Mr. LONG of Louisiana. Yes. One would say that here the Federal Government is conforming to a standard that 48 States have adopted. If those 48 States would like, hereafter, to be more generous with the workingman, they can. But in this respect, we have adopted their standard, and if the States decide they wish to be less generous toward the workingman, they would not be able to do that. That is correct.

Mr. WILLIAMS of Delaware. Once this amendment has been adopted the principle will have been established that the Federal Government can tell the respective 50 States what they may or may not do, and the very next amendment, the one to be offered following this, starts to dictate to the 50 States what they must do.

Mr. LONG of Louisiana. No, it does not dictate to all of them. About 44 States are already doing what we are urging them to do by that next amendment. But there are a number of States that would have to comply.

Mr. CURTIS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. CURTIS. The distinguished chairman of the Committee on Finance, who is supporting the bill, may not want this comment to be stated as a question. Nevertheless, the fact remains that what is involved is the transfer of power over these decisions from the State legislatures to Congress. That power, once transferred, will be asserted year after year by Congress.

Mr. LONG of Louisiana. The Senator from Nebraska did not ask a question; but assuming that it was posed as a question, the answer is that the Federal Government first provided for such benefits in 1939, when it enacted a law to impose a tax for unemployment insurance and left it to the States to set benefits.

I may say that the performance of the States in that area was exemplary. For the most part, the States merely asked the Federal Government, "What would be considered a good law?" They asked the Federal Government how such a law should read and to send a model of one to them. Most of the States adopted the model of the Federal statute and submitted it to Washington.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. AIKEN. Would the amendment, in effect, require the States of the Union, to come into line with the law that exists at present in the State of Vermont?

Mr. LONG of Louisiana. This particular amendment would require two States to come into line with what Vermont and 47 other States are doing now, so far as eligibility is concerned. In 48 States the workingman is entitled to some unemployment benefits after 20 weeks of work. There are two States where that is not so. In Virginia, a workingman is entitled to benefits after 23 weeks; in Wyoming, he is entitled to benefits after 26 weeks. So the amendment would require Virginia and Wyoming to come into line with the practice of 48 States.

Mr. AIKEN. However, they would not even then come up to the present provisions of Vermont law, because Vermont provides for 39 weeks of benefits, liberal payments, and other services which are favorable to the employer, provided he is a Vermont employer only, and favorable to Vermont employees.

I have received protests against the Senate amendment; but I find that they are from employers who have plants in other States also, where the benefits are less than they are in Vermont.

Mr. LONG of Louisiana. The Senator is exactly correct. This would require those two States to start paying something after 20 weeks. It would make those 2 States come in line with the other 48 States.

Mr. AIKEN. We have a provision for 39 weeks of benefits—26 weeks, and another 13 weeks providing the unemployment exceeds a certain percentage of the total working force.

Mr. LONG of Louisiana. This would not make any State do what the State of Vermont is doing. It would not go that far in any respect.

It does provide certain minimum Federal standards. One of these standards is to make each State pay something after 20 weeks.

Some States start making payments after 10 weeks work. Some States start paying some benefits with less than that.

This standard would say that after 5 months of work a man is entitled to draw some benefits when he loses his job.

Mr. AIKEN. The pending bill sets minimum standards. It does not set the exact standards on payment or length of unemployment period that each State must observe. It would not require them all to have the same period.

Mr. LONG of Louisiana. The Senator is exactly correct.

I would be very disappointed to find that States do not provide more than is required here. Most States do.

Vermont, as the Senator indicates, goes far beyond what we are asking in this respect. The different States provide for all sorts of benefits extending beyond this. We hope that they will continue to do so.

This would provide that a man is entitled to draw some unemployment insurance benefits after 20 weeks.

Mr. President, the Federal Government has an interest in this. We have a tax. There is presently a 3.1-percent

Federal tax. The Federal Government keeps 0.4 percent to spend on its part of the program and the States are entitled to a tax rate of 2.7 percent, if the State wishes to have a program.

Mr. President, one thing that amuses me is that when we talk about standards and providing for an experience rating, the employers love that.

Some employers associations appeared to testify for just one thing—the experience rating. That is a Federal standard. They love and adore that experience rating. In some States it decreases the tax from 2.7 percent to zero. They love it with all their hearts. It is a Federal standard, but it favors them.

When a Federal standard favors a workingman, that is a different proposition.

This would just provide that, as between the States, 2 States would do what 48 States are doing now.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. KUCHEL. Mr. President, let me understand the parliamentary situation. Under the request of the Senator that a division take place, will the Senate pass judgment one by one on specific provisions, starting on line 19 of page 28?

Mr. LONG of Louisiana. The first part that would be pending would be lines 19 through 23 on page 28.

Mr. KUCHEL. What would the next one be? Would it be the balance of that page?

Mr. LONG of Louisiana. The next would be subparagraph (B)—line 24 on page 28 through line 7 on page 29.

Mr. KUCHEL. The next would be subparagraph (C) on page 29.

Mr. LONG of Louisiana. The Senator is correct.

Mr. KUCHEL. What would the next one be?

Mr. LONG of Louisiana. The next one would be paragraph (2).

Mr. KUCHEL. The Senator mentioned a moment ago this experience rating being of benefit to the employer. Do we pass judgment on that in the pending bill?

Mr. LONG of Louisiana. No. We do not change that at all, not in the least bit.

Mr. KUCHEL. What does the Federal law provide with respect to that experience rating?

Mr. LONG of Louisiana. The States are given a credit of 2.7 percent against a Federal tax of 3.1 percent.

Mr. KUCHEL. By Federal law?

Mr. LONG of Louisiana. The Senator is correct. The States in turn give employers a more favorable rating in the event that those employers have stable employment and very little unemployment. They are therefore entitled to reduce the tax from the 2.7 percent down to zero.

Mr. KUCHEL. That is an excellent provision. It is an incentive to an employer to stabilize his employment.

I want to make this clear to help me answer the other questions that will arise in the Senate.

This provision in Federal law with respect to an experience factor favoring employers is mandatory upon the States. The States cannot change the provision.

Mr. LONG of Louisiana. The pending bill does not change it. It has been mandatory since 1939 on the States, that the States would have experience rating. The employers came in and testified, asking that this not be made optional on the States, but that it continue to be mandatory.

Mr. KUCHEL. I think that is most important. It is not an option. That is the statement of the Senator.

Mr. LONG of Louisiana. The Senator is correct.

Mr. KUCHEL. The Senator answered a question posed by the Senator from Vermont. Can the Senator from Louisiana indicate, perhaps with the help of his staff, what if any provisions of the law of California are below any of the separate recommended amendments of the committee in the pending bill?

Mr. LONG of Louisiana. California has a requirement that a low-paid worker earn at least $720 in order to qualify for some benefits.

The pending bill would say that if he had been working for 20 weeks in a covered establishment, even though he might not have made $720, he would be entitled to some benefits.

That $720 figure would have to be reduced to $673.

Mr. KUCHEL. I do not quite understand. It would have to be reduced in order to accomplish what?

Mr. LONG of Louisiana. Under California law, a worker must presently have $720 in earnings in order to qualify. At present wage scales in California, the bill would require that benefits be paid to a worker who earned $673.35. Actually, nearly every employee in California makes more than $673.35. Any worker who makes that much is probably also making $720.

So the change in this law would really pose no problem of consequence to California.

Mr. KUCHEL. The $673 of earnings would take place under what period of time?

Mr. LONG of Louisiana. Twenty weeks. So that about the only change that would affect California would be that a low-paid worker might have some small benefit that might not exist presently. But that would apply to very few people in California, because, as the Senator knows, people are making more money than that in California.

Mr. KUCHEL. How much would it be a week under this Senate amendment?

Mr. McCARTHY. A difference of $2 a week.

Mr. KUCHEL. I do not understand that any gainfully employed person in California is making that kind of substandard wage.

Mr. LONG of Louisiana. That is the point I was attempting to make, that practically nobody in California makes that little money for his effort. The kind of people who would be making such a pitiful wage are not covered, anyhow. So this could not benefit them. We must bear in mind that this applies to a covered industry and that the industry must have at least four employees.

My guess is that fewer than one-quarter of 1 percent of the workers in covered employment in California would benefit from this.

Mr. KUCHEL. I have one more question. I do not wish to take a great deal of time. We are passing judgment now on a Federal standard, that the State law shall not require that an individual have more than 20 weeks of employment in order to qualify, and so forth. How does that provision apply to a State law which says that one must make $720 before he is covered? I do not quite understand that.

Mr. ERVIN. Mr. President, will the Senator yield for a question that is germane to his colloquy with the Senator from California?

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, I believe I can answer that question.

Mr. LONG of Louisiana. This happens because California has a law which requires that to be eligible, a worker must earn $720. That is a peculiarity of California law.

About 99.9 percent of all workers in covered employment in California qualify for that. For the very small number who do not qualify because of this peculiarity of California law, a man could become eligible after he earned $673.75, instead of having to earn $720.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. McCARTHY. Nothing in this bill has anything to do with the amount of money a man must or must not earn in order to become eligible. We refer to 20 weeks of work in covered employment. The consequence of this is, as we relate it to the California law, that it makes a slight change with reference to the monetary provisions. The practical effects are almost nil. There may be some other States which have these monetary provisions as a result of which a few more people will be covered.

It is only the type of action in the California law, with reference to how much a person must earn in order to become eligible, which might be affected by the imposition of 20 weeks. The committee bill provides that with 20 weeks in covered employment a man would become eligible for benefits. The California law provides that one must make a particular amount of earnings. As far as we know, the practical consequence so far as California is concerned is that nobody who is not now covered will be brought within the provisions of this law.

Mr. KUCHEL. There is no provision for 20 weeks of employment in California law. Is that not correct?

Mr. McCARTHY. The Senator is correct.

Mr. LONG of Louisiana. Under California law, a man must have earned $720, without regard to weeks of work, in order to qualify. This would provide he could qualify when he has made $673.35.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. In answer to the question of the Senator from California, the adoption of this proposal

would mean the automatic repeal of that portion of the California law.

Mr. McCARTHY. The Senator is correct.

Mr. WILLIAMS of Delaware. The State would have to change the law.

Mr. McCARTHY. The Senator is correct.

Mr. WILLIAMS of Delaware. And to that extent, it does set that standard for the State of California. The Senator will find that the same is true with respect to many other States.

In addition, it would prohibit any 1 of the 50 States from acting through its legislature and changing the law, as has been done heretofore, except as the State would have to come to Congress to get approval. The States could expand it, but they could not reduce it.

Let us face it—the question here is, do we or do we not want Federal standards imposed on the States?

Mr. LONG of Louisiana. It is possible that no one in California, in covered employment, is earning such a pitiful wage. It is conceivable that there would be no effect on California because there might not be anybody working in covered employment who earns that little money. So the Senator might be spared all that.

Mr. WILLIAMS of Delaware. If the Senator wishes to be hypothetical, it is conceivable that nobody would be covered by reducing the coverage from 26 to 20, but we know that it will. That is the reason the 20-week provision has been put in. Likewise, they will be affected by the other change, and if they are not, why have this section in the bill? Let us be realistic.

Mr. LONG of Louisiana. We have better facts on that aspect. It would affect a few people.

Mr. McCARTHY. There is no question that it would affect only a few people. Changes would have to be made in the laws of few States. We are proposing national standards.

If a man has worked 20 weeks in employment in any State, he ought to be eligible for unemployment compensation benefits. If there are States where this is not provided, they would have to conform to the provision. If States have worked out a "Rube Goldberg" sort of formula which comes out in 20 weeks, they might have to change the formula, but it will not increase the number who are eligible.

The practical result of this provision would affect only two States in the Union. The Senator from Louisiana has pointed out the two States involved. The proposition is simple.

Do we want to lay down a national standard which says that every man who is in a covered employment under the unemployment compensation system, if he works for 20 weeks, should be eligible for some benefit?

Mr. ERVIN. Mr. President, will the Senator from Louisiana [Mr. LONG] yield so that I may ask a question of the Senator from Minnesota [Mr. McCARTHY]?

Mr. LONG of Louisiana. I yield.

Mr. ERVIN. Does not the Senator say that in providing a Federal standard of eligibility of 20 weeks, it would not affect the laws of any of the 50 States except 3, but it would affect hereafter the power of all 50 States to pass any laws which were inconsistent with the Federal standards?

Mr. McCARTHY. The Senator is exactly correct. I thought that that was clear.

Mr. ERVIN. No, sir.

Mr. McCARTHY. Unless we amend the committee bill, no State could raise the eligibility requirement above 20 weeks. The Senator is correct.

Mr. LONG of Louisiana. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MORTON. Mr. President, the first amendment, which is section (A), seems to be an amendment to which most of us could agree, for, indeed, it affects only two States and the Commonwealth of Puerto Rico. But once we start adopting Federal standards, where do we stop? This program has probably contributed more to the economic stability of this country than any other program inaugurated during the 1930's. It has made that contribution because each State has been able to pattern the program to the needs of the State.

In my State of Kentucky unemployment is at its worst, and it hurts most in the rural sections and in the mountains of Kentucky. There are no big cities there. The coal miners are out of work. We do not have a serious unemployment problem in Louisville, Lexington, Bowling Green, Paducah, or Ashland, but we do have it in the rural areas of our State, particularly in the Appalachian area.

Each State has its own problem. Here is a program that has been successful. Most States followed the pattern of the great State of the Senator who is now presiding, the Wisconsin pattern, when this bill was originally passed 30 years ago. We have today such States as Massachusetts, Michigan, and others that give weight to the number of dependents that a man has.

In other words, in Detroit or Flint there may be two men working on the assembly line. One is a 20-year-old fellow who is just out of school, who has gotten his first job, and who is living with his family. On the other side of the line is a 43-year-old man with five children, who has been working for the Pontiac company for 18 years. They are both laid off. They are both getting the same wage. They do not get the same unemployment compensation under the laws of the State of Michigan. The man with five children gets more compensation than the man who is just out of high school still living with his family. The duly elected Legislature of Michigan and the people of Michigan, through their elected representatives, have set up this plan.

There are those who argue that this is a welfare program and not an unemployment program, and, therefore, Michigan should get no credit whatsoever because they want to treat a man with five children in a different way than the man who has just entered the labor market and has been employed for perhaps 20 weeks.

Once we begin setting Federal standards, all of this ultimately goes out the window. One might say that it does not in this bill, but if we start, it goes out the window.

Section (A), the matter now before us, on which a rollcall vote has been ordered, is something that all of us could be for, except perhaps, the Senators from Wyoming and Virginia. This is a minor matter. But the principle is there.

As has been pointed out, this even affects the law in California. I do not know how many it might affect. True, it might affect one-tenth of 1 percent of the labor force of California, but nevertheless, we are starting to put the Federal Government into a position of setting standards in the several States, and I am not talking from the standpoint of States rights. I am talking from the standpoint of a successful program, the most successful program of all the programs that emanated from the 1930's, the most successful program in taking out the valleys and leveling off the hills in the socioeconomic complex we have in this country today.

I would prefer that we consider this entire section 151, en bloc. The chairman of the committee has asked not to do that and I will, of course, abide by his wishes. But I trust that we will, as long as we have to handle these matters separately, vote down each and every one of the portions of this section that inject the Federal Government into a program which has been so successfully managed by the several States.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MORTON. I am happy to yield.

Mr. SALTONSTALL. This amendment would affect about three States, but in substance it affects every State, because it establishes a principle of Federal standards. Am I correct in that statement?

Mr. MORTON. The Senator is correct. It affects Wyoming and Virginia and the Commonwealth of Puerto Rico.

Mr. SALTONSTALL. But if we adopt the amendment of the Committee on Finance, we establish the principle that the Federal standards should prevail in all States of the Union, if they are to get the benefits of the bill.

Mr. MORTON. The Senator is correct.

Mr. SALTONSTALL. This question came up when I was the Governor of Massachusetts. We are proud of the way our unemployment insurance program is carried on in Massachusetts. It is more generous than the program in many States. If the amendment is adopted, we are imposing Federal standards in all of these several States to conform to whatever the Federal requirement may be.

Mr. MORTON. The Senator is correct, and it is not a question of only conforming to what happens to be in this bill. Once this principle is adopted, and we say the Federal Government is going to take this program over and set Federal standards, we do not know where it will end. We do know that it will go far beyond what is here.

The committee did strike from the administration proposal the escalation portion of going to 60 percent and 66⅔ percent. They had to strike it. They would

not have gotten the bill passed if it were included. But next year, or the year after they will be back.

Mr. SALTONSTALL. I understand that the Department of Commerce of Massachusetts is opposed to the bill in its present form because in many ways the standards of Massachusetts fit our needs. I will not say they fit our needs better or less, but they fit our needs, and our State government, represented by our department of commerce, is opposed to the bill.

Mr. MORTON. Massachusetts has one of the best laws in the country. It does give weight to need. It considers dependents. Every unemployed worker is not treated the same in Massachusetts, and I think this is a good thing. We do not have it in Kentucky. I wish we did. Our people do not want it apparently. Massachusetts does. I say that we should have it and not be penalized.

Mr. SALTONSTALL. I think our State was one of the very first States to adopt the principle of unemployment compensation, although I am not sure, but I think it was. We gradually broadened it and made it meet the needs of the State. What we want to do is cooperate and go along, but we do not want to be standardized, because that may not fit our needs as they develop with the State.

Mr. HICKENLOOPER. Mr. President, will the Senator from Kentucky yield?

Mr. MORTON. I yield.

Mr. HICKENLOOPER. I was going to ask the Senator, but the Senator from Massachusetts developed the point in his discussion with the Senator from Kentucky that I was going to ask. It seems to me that this is just the camel getting its head further under the tent of Fedreal invasion of the areas which should properly be left to the States. It seems to me that the States, generally, have taken care of the situation as it befits their needs. We are entirely satisfied in our State with the State's administration. I think it is not only a dangerous innovation but also, as the Senator from Kentucky has pointed out, is only the first step. Next year there will be more control. The year after that, there will be still more control and more administration by the Central Government.

Mr. SMATHERS. Mr. President, will the Senator from Kentucky yield?

Mr. MORTON. I yield.

Mr. SMATHERS. Is it not a fact that if we adopt the so-called Federal standards which the Finance Committee has already adopted by a vote of 9 to 8, every State with the exception of two, will have to change their present law?

Mr. MORTON. That is absolutely true.

Mr. SMATHERS. The only States which would not have to change the law would be Vermont and Hawaii. Is it not a fact that the State commissioners, when they met from all over the Union, stated that they would like to have adopted the House bill as it came to the Finance Committee? They thought that was a reasonably fair bill. They thought that it extended coverage sufficiently. They thought that it would raise taxes sufficiently and, therefore, they wanted that bill. Is that not a fact?

Mr. MORTON. That is a fact.

Mr. SMATHERS. Is it not a fact that the House bill, in point of extending coverage and increasing taxes, made substantial improvement in the program?

Mr. MORTON. That is true.

Mr. SMATHERS. Is it not a fact that if some of the State legislatures did not act so quickly as did other States, adoption of Federal standards would serve to punish certain employers in certain States where the legislatures had refused to act?

Mr. MORTON. Yes, that is true.

Mr. SMATHERS. Will the Senator yield further?

Mr. MORTON. I yield.

Mr. SMATHERS. Mr. President, more than 15 months ago, the administration's proposals were introduced into the House of Representatives. Great controversy resulted from the inclusion in that bill of a package of so-called Federal standards. Those Federal standards included requirements that: First, a State be forbidden to require more than 20 weeks of employment in a year in order to qualify for benefits; that, second, a State be forbidden to provide less than 26 weeks' worth of benefits for an individual with 20 weeks of employment; and that, third, a State be forbidden to provide a weekly benefit amount less than one-half the beneficiary's average wage, up to a minimum maximum to be calculated in accordance with a formula specified in the bill. This minimum maximum would have to be recalculated in every State every year. It might go up—it might go down.

Some of these Federal standards were already law in many States. Other elements would force changes in almost all State laws. I say "force" because the employers in any dissenting State would be substantially penalized if the State's legislature or Governor refused or delayed acceptance of any one of these changes in their own laws.

You know what happened then. After careful consideration an overwhelming bipartisan approval was registered for an unemployment insurance bill without these guns at the heads of the States.

Only 1 of the 25 members of the Ways and Means Committee refused to register strong support for the bill. Only 10 Representatives voted "nay" on final passage—as against 374 in favor.

What happened on this side of Capitol Hill? Essentially the same provisions so thoroughly and carefully rejected on the other side were returned to the bill in the Finance Committee. Was the vote overwhelming? No; the vote was 9 to 8. Did the bill with these provisions draw bipartisan support? No; all of our colleagues on the other side of the aisle felt obliged to refuse to accept the bill with those provisions in it.

Most States presently do provide unemployment benefits of at least half the beneficiary's weekly wage up to the State maximum. Most States refuse to give 26 weeks' worth of benefits for 20 weeks of work in a year. The Federal standards require all to conform absolutely to the generally rejected standard as well as to the generally accepted standard. Good-faith efforts, substantial compliance, even a benefit package on balance more generous than the Federal standards package—all alike are insufficient. All alike result in substantial penalties to employers in States which do not fall in line quickly enough.

On both sides of the aisle, throughout the spectrum of responsible political viewpoints, voices have risen to urge the States to assume responsibilities, to cease being collectively the silent element in our State-Federal governmental partnership. In the unemployment assistance field, where the partnership concept has been practical, fruitful operation for almost three decades, we cannot now fulfill our responsibilities by making the States into mere administrative agencies for programs determined in detail by the Central Government.

As a practical matter, adoption of this Federal package may well kill any efforts to obtain a bill that can be approved by a conference committee. The House has been clear on this point—the Federal standards package has been rejected.

Any Member who wants to preserve a viable State-Federal partnership, who is concerned with really enacting this bill, who gives heed to the viewpoints of those charged with enforcing these laws—any such Member will, I am confident, join me in opposition to the so-called Federal standards package in H.R. 15119.

I thank the Senator from Kentucky.

Mr. ERVIN. Mr. President, will the Senator from Kentucky yield?

Mr. MORTON. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. The Senator from Kentucky stated, in reply to an inquiry propounded to him by the Senator from Florida, that only 2 States in the Union now have laws which would comply with the Federal standards which the bill would impose upon 50 States. The Senator answered in the affirmative, as I understand it; is that not correct?

Mr. MORTON. That is my understanding.

Mr. ERVIN. I will ask the Senator from Kentucky, if this bill is passed with the Federal standards in it, it would deprive even those two States of the power hereafter to make their own laws relating to many of the aspects of unemployment compensation, would it not?

Mr. MORTON. It would, indeed, put those States in a straitjacket so that they would have to pass laws within certain narrow confines.

Mr. ERVIN. Does not the Senator from Kentucky share my view that if we embark upon a program of substituting Federal standards for State standards in the field of unemployment compensation, the ultimate result will be that the Federal Government will control all the taxes which are levied for purposes of unemployment compensation?

Mr. MORTON. If we go down that road, that will be the inevitable end. The Federal Government will take over the whole program, lock, stock, and barrel, before too many years have passed.

Mr. ERVIN. I will ask the Senator from Kentucky if many of the States which have administered their programs in a prudent manner, according to

State standards, now have accumulated substantial surpluses in their unemployment compensation funds?

Mr. MORTON. Yes. The figures were placed in the RECORD by the chairman of the committee last night. Many of them are substantial, indeed.

Mr. ERVIN. Does not the Senator from Kentucky agree with me that those States which have accumulated substantial surpluses in their unemployment compensation funds have managed their fiscal affairs with a wisdom and an intelligence which the Federal Government itself has not manifested in relation to the management of its own fiscal affairs?

Mr. MORTON. That certainly is an obvious truth.

Mr. ERVIN. Now, what are the taxes which are levied for unemployment compensation? Are they not collected in 90 percent of the cases by the State administering the unemployment compensation funds in the State?

Mr. MORTON. Approximately 90 percent, yes.

Mr. ERVIN. Yes, and only approximately 10 percent of the taxes are collected by the Federal Government itself?

Mr. MORTON. That is correct.

Mr. ERVIN. The Federal Government taxes go only, under existing law, for the payment of the costs of administering the program?

Mr. MORTON. It goes beyond the cost of administering the program, because it pays for the business that defines people's jobs, and other things of that kind get into the act. But primarily, yes.

Mr. ERVIN. Is it not true that the unemployment compensation benefits come out of State taxes—the money collected by the States?

Mr. MORTON. Yes, that is true.

Mr. ERVIN. So, this is not a question——

Mr. MORTON. That is true with the exception of emergencies. There have been times when we have extended it in times of emergency. It has been the Federal Government that has advanced the money.

Mr. ERVIN. That has happened where some States have exhausted their unemployment compensation funds, because of severe depression in those States or because of the fact that they have put the standards so high that their unemployment compensation funds were insufficient to pay the benefits established by their standards.

Mr. MORTON. In any event, in emergency situations, money has been advanced.

Mr. ERVIN. I ask the Senator from Kentucky if the contention that is sometimes made by those who want to federalize the unemployment compensation law, that it is a Federal grant-in-aid program, is totally without support in fact, insofar as the funds used for the payment of benefits to a person unemployed are concerned.

Mr. MORTON. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Kentucky yield?

Mr. MORTON. I yield.

Mr. WILLIAMS of Delaware. When this question first arose this morning, I suggested that the question of Federal standards should be voted on en bloc, that there was no way in which they could be separated successfully and voted on individually. I was right.

I have since checked with the Parliamentarian and want to point out that what we shall be doing in voting on the pending amendment is voting on the repeal of the laws as they exist, not just in two States but in practically all the States because this amendment states:

> The State law shall not require that an individual have more than twenty weeks of employment (or the equivalent as provided in subsection (4)) in the base period to qualify for unemployment compensation.

Subsection (4) is part of another committee amendment that comes later in the same section and as yet has not been approved. Therefore, this pending amendment has no meaning whatsoever. The Parliamentarian has so ruled. It is plain that should we defeat the rest of the amendments this one is meaningless.

What we will be doing is saying that State law shall not require that an individual have more than 20 weeks of employment during a base period to qualify for unemployment.

I have checked with the staff of the committee, and I have been advised that under this rule if adopted a person could have been earning as little as $1 a week for 20 weeks and then get the full 36 or 52 weeks' benefits under the bill.

Even if subsection (4) is later adopted we would be changing the laws not of two States, as is claimed, but we would be changing the law in California, because California has a higher minimum—$720—than is provided in subsection (4), which has not been adopted. The law of Connecticut would be repealed. The Illinois law provides a minimum of $800, and that would be repealed. Maine has a requirement for a $600 minimum, and that law would be repealed.

I repeat, even if all the committee amendments were adopted here today the laws of those States would be repealed or changed.

The laws of Massachusetts, Nebraska, New Hampshire, Washington, and West Virginia relating to minimums would automatically be nullified. Perhaps their legislatures would have to be called back into session to repeal them.

The laws of Florida, Oregon, and Wisconsin would likewise be affected. Wisconsin provides for 18 weeks and a $16 average. That law would have to be changed or repealed. The provision for the $16 average could be changed.

All of the 50 States would be affected, because we provide that a State to qualify must provide for 20 weeks with no minimum on earnings; that is, assuming we adopt this amendment and do not adopt the other committee amendments.

What should have been done was to vote on the whole package of eligibility standards and either approve or disapprove all of them. If the committee amendments are adopted Congress will be approving Federal standards for all 50 States. That is the issue. Let us face it and make the decision accordingly.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Minnesota.

Mr. McCARTHY. I thought that the chairman of the committee and the Parliamentarian had conferred earlier and had worked out this problem satisfactorily.

Mr. WILLIAMS of Delaware. I thought so too, but apparently not.

Mr. McCARTHY. I did not know that. The provision beginning on line 1, page 30, could, I think, be incorporated in the amendment with which we are dealing, because it is in simple language, and should meet the objection the Senator is now raising.

I am quite satisfied the Senate would adopt the lines on page 30 along with what we are voting on.

Mr. WILLIAMS of Delaware. The Senate may or may not.

Mr. McCARTHY. I would like to ask unanimous consent——

Mr. WILLIAMS of Delaware. The Senator from Minnesota will agree with the statement I have just made—that the adoption of the amendment now pending before the Senate would in itself nullify the minimum requirements of the 50 States, and if a worker had a minimum of 20 weeks at 75 cents a week cutting grass, for example, and then were to get out of work, he could qualify for the full unemployment benefits. Is that correct?

Mr. McCARTHY. I agree that it affects only 20 weeks——

Mr. WILLIAMS of Delaware. But in any of the 50 States, if a worker has 20 weeks' employment, and then were out of work, he would collect the full benefits regardless of his earning record.

That points out how ridiculous it is to vote on language without putting the whole package together.

I again ask unanimous consent that the Senate consider voting on the language beginning on page 28, line 19, down to and including line 7 on page 34. The whole package of Federal standards would thus be put together.

Mr. McCARTHY. Mr. President, I reserve the right to object. The chairman of the committee is not here.

Mr. WILLIAMS of Delaware. If we follow that procedure that should take care of subsection (4) as well as the other provisions. We would then be voting on the entire package. Then we would be voting for or against the Federal standards.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota reserves the right to object.

Mr. McCARTHY. The chairman's right to ask for a division on the amendment continues to run. He may ask unanimous consent to modify it by including the amendment now under consideration, line 21 on page 29 to line 8 on page 30, which would take care of the issue which has been raised by the Senator from Delaware, with respect to this particular provision in the bill.

Mr. WILLIAMS of Delaware. It would not take care of the full problem even if we adopted the unanimous-consent agreement to modify the amendment as suggested by the Senator from Minnesota; it would still affect the States of California, Connecticut, Illinois, Maine, Massachusetts, Nebraska, New Hampshire, Washington, West Virginia, Florida, Oregon, and Wisconsin. They would be affected even if we adopted the package just proposed by the Senator from Minnesota. It may be easy to say that only two States are affected; it may be easy to say that we will impose this provision on only two States but the Congress would be affecting all the States. The committee's proposal affects the States I have just named.

I think we should have a vote with respect to this whole package.

I understand the Senator from Minnesota reserved the right to object, but I intend to get a ruling on my unanimous-consent request that the whole package be acted on, beginning on page 28, line 19, down to and including line 7 on page 34.

That is the unanimous-consent request I presented in order to put the whole package in the proper perspective.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. DOUGLAS. Mr. President, what is the request?

Mr. WILLIAMS of Delaware. That we vote en bloc on the whole package of Federal standards. We should be voting on it in one amendment. It would be more intelligent than to vote on the cockeyed proposal before us now.

Mr. McCARTHY. I do not say that it would be more intelligent. As a matter of fact, it might be more appropriate for us to vote on it piece by piece. It would, of course, simplify the procedure.

Mr. WILLIAMS of Delaware. It would not simplify it to vote as the chairman of the committee suggests in the pending amendment.

Mr. McCARTHY. If the simple question is whether we are for the Federal standards and whether the Senate is prepared to take what the committee has brought out in the bill, that is a fair proposition. If the Senator wanted a vote on changes in the Federal standards which we are recommending, I think in that case the proposal made by the Senator from Louisiana is somewhat more orderly. We are going to have some loose threads which will have to be tied down. I do not think the Senator's objection is particularly well taken. I think we could get action on that particular unanimous-consent request, and go on to the financing and duration of the periods.

Mr. WILLIAMS of Delaware. I think a serious question is raised here. I point out to the chairman of the committee that if we vote on the package as a whole it would make more sense. I will wait for him to decide. I conferred with the Parliamentarian and find that what we were acting on are a lot of words, but in reality we are doing nothing.

Mr. McCARTHY. That would not be quite true. Even if we acted on the amendment before us, if we had the modification at line 9 on page 30, we would have an adequately defined proposition before the Senate. I do not say we would not have some loose edges.

Mr. WILLIAMS of Delaware. The Senator will admit that this amendment covers someone who may make as little as $1 a week, and that is affected by the amendment.

Mr. McCARTHY. The unanimous-consent agreement which would eliminate the matter referred to on page 29 and page 30 will be before the Senate.

While we are waiting for the chairman, I suggest that the allegation that it will permit further intrusion is unfounded. This is an old program, under which federally imposed taxes are made available for the States. The law has been amended only once in 35 years, in order to add an amendment which would be helpful to the States. We do not have the situation, as was stated by the Senator from Iowa [Mr. HICKENLOOPER] that once the camel's head is under the tent it will continue to go under. There has been no action on this law since 1939, and here it is 1966.

So to suggest that this is a program which, if we change it now, will be meddled with and modified every year, does not stand the test of examination of the history of the program.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. McCARTHY. Yes, I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I think it is true that the unemployment compensation law, now approximately 30 years of age, should have some upgrading. Both the House bill and the Senate bill would do that. I cite as an example the raising of the base pay which will be taxed. The base was established 30 years ago. The House bill, as well as the Senate bill, would increase that amount in steps. I believe some legislation is in order.

Mr. McCARTHY. This would be a Federal standard, would it not?

Mr. CURTIS. It would be the tax standard. But I wish to come to that later.

The House bill was passed by an overwhelming vote. If we are to have legislation this year, I would hope that what the Senate does is not too much at variance with the action of the House.

Coming back to the distinguished Senator's observation that this has been a Federal program, in a sense that might be true. But basically, as I see it, it has not been. A Federal act was passed which compelled the States to inaugurate an unemployment compensation system.

Now, what are the real basics to be decided in an unemployment compensation system? I say they are two: How long do you have to work to get it, and how much shall you receive?

On these two issues, the States have had complete determining authority up to this time; and that is the basic issue before us today: whether or not the Federal Government shall assert the power over the States to determine the length of time a man must work, and how much the State must pay.

On those two basic issues, it has always been a State program. It has worked well. It has enabled the States to adapt the program to their own particular problems of employment, their economies, and so forth. Obviously, rural States have different problems than highly industrial States.

I hope that we can have a clear-cut vote on the whole issue of the Federal Government taking over the two important functions now reserved by the States, to wit, how long do you have to work to get benefits, and what shall your benefits be? I think those functions should remain in the hands of the States.

I thank the distinguished Senator from Minnesota.

Mr. McCARTHY. I thank the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Delaware?

Mr. McCARTHY. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The question is on agreeing to the committee amendment. On this question, the yeas and nays have been ordered.

Mr. ERVIN. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. ERVIN. I deeply regret that the Senate must today consider this bill, which would make major alterations in the law and affect every State in the Union, when the proposed amendments to the bill and the committee report on the bill were not made available to Members of the Senate until yesterday. That means that those Senators who do not serve upon the Finance Committee have been unable to study the bill, because all of us were compelled to remain upon the Senate floor yesterday in connection with the joint resolution growing out of the strike of the machinists against the airlines.

As has been pointed out by several Senators, this bill undertakes to make drastic changes in the laws relating to unemployment compensation. Under the present law, the legislatures of the respective States have the power to prescribe the standards which govern the administration of the law in this area in the respective States. I think that provision is very wise for two reasons.

The first reason is that I have not yet fallen victim to what is facetiously called Potomac fever. I believe that the people who sent me here are far more capable and far more qualified to determine what should be done with respect to the standards of eligibility for unemployment insurance and with respect to how they should spend their own money in the payment of benefits for unemployment compensation than Senators or Representatives from distant States.

It has always been passing strange to me that when men get elected to Congress, they speedily fall victim to Potomac fever, the main symptom of which is an exhibition of their conviction that the people who elected them do not have

sense enough or judgment enough to manage their own affairs. I believe that the State legislatures can manage this question with far more wisdom than the Congress of the United States. And that brings me to the reason for my second objection to the bill.

In North Carolina today, we do not have unemployment in our industrial sections. Such unemployment as exists occurs in such industries like fishing, canning, and the like. I believe that the Legislature of North Carolina, which is familiar with the situation in respect to employment and unemployment in North Carolina, is far better qualified than Congress to act wisely with respect to setting up standards for eligibility for unemployment compensation and with respect to the amounts of unemployment compensation.

I think one of the tragedies of our generation, and perhaps the chief tragedy insofar as Government is concerned, is the continual effort which is being made to concentrate all of the powers of government in one centralized government in Washington, D.C., and to reduce the States of the Union to meaningless ciphers upon the Nation's map. I think there is too much power and too much authority concentrated now in the hands of our Federal Government here in Washington. Yet there are those who are now asking and reaching out for more power and authority in a completely new area, an area which, since the inception of the unemployment compensation program, has been left entirely to the respective States and their respective legislatures.

My second reason for opposing the committee amendments is that it is unwise to attempt to govern by uniform Federal standards employment and unemployment conditions which are quite diverse throughout the 50 States constituting the Union. It represents, in short, an attempt to make States having diverse situations fit into the same Procrustean bed.

I am speaking specifically with reference to committee amendments agreed to by a majority of one vote in the committee, to provide Federal standards relating to the eligibility, the amount, and the duration of State unemployment compensation benefits to be paid to unemployed workers who are covered by the various State statutes.

What is the justification for such action by our Congress? It can be shown that my State of North Carolina and other States have continually improved and updated their compensation laws through actions of their respective general assemblies.

These bodies have been and are very aware of the needs of their States in this area and have acted practically at every session to meet the changing needs of unemployment. For example, it has not been too many years since North Carolina paid a maximum benefit of only $20 per week for 16 weeks. The State of North Carolina now pays a maximum benefit of $42 per week for 26 weeks. This is a 241-percent increase in benefits over a period of approximately 15 years.

North Carolina has administered its unemployment compensation fund in a wise and prudent manner. As a result, it has accumulated a surplus of approximately $250 million in its unemployment compensation fund.

Those who advocate the centralization of power in Washington in this area of our life sometimes yield to the temptation to say that if a State accumulates a surplus in its unemployment compensation fund, it is guilty of some kind of a crime against society.

Mr. President, we hope that no depression will ever come again to this Nation, but the practice of wisdom requires the accumulation of surpluses in unemployment compensation funds in times of prosperity in order to have funds available for that purpose in times of depression.

I venture the assertion that if Congress yields to the importuning of those who try to concentrate power to prescribe standards and eligibility for and duration of benefits in unemployment programs in the Congress, we will reach a day when there will be no surplus in any unemployment compensation fund anywhere in the United States.

As I observed in a colloquy with the Senator from Kentucky, this program does not represent in any true sense a Federal grant-in-aid program.

Under the existing law, as administered in my State, the State of North Carolina collects 90 percent of all the unemployment compensation tax. This 90 percent belongs to the State of North Carolina and is deposited in a trust fund as the property of the State of North Carolina. Under the existing law, all benefits arising out of unemployment in my State are paid out of North Carolina's funds.

I am unwilling to give to the Federal Government the power to prescribe standards to govern benefits in this area. This is so because I think North Carolina manages its financial affairs far better than does the Federal Government.

When we look back at the fiscal record of the Federal Government for 36 years, we find that we have had 30 deficits in the last 36 years.

Federal taxes have increased from $4.1 billion to $93 billion. Federal expenditures have risen from $3.4 billion to $96.5 billion yearly. The national debt has ascended from $16 billion to $317.8 billion. The annual interest on such debt has grown from $659 million to $11.4 billion. These facts augur ill for Federal control of the expenditure of State taxes levied and collected to pay benefits to the unemployed.

That is one reason I oppose this measure.

The benefit requirements or standards which are proposed for imposition on all the States by the amendments to the pending bill are:

First. Benefit amount. Individual weekly benefit amount must be at least 50 percent of the individual's average weekly wage, but limited to 50 percent of the statewide average wage.

Second. Duration. Any worker who has 20 weeks of employment—or equivalent—shall be entitled to not less than 26 times his weekly benefit amount—compulsory entitlement of 26 weeks, benefits for those working only as much as 20 weeks.

Third. Eligibility. No worker may be required to have more than 20 weeks of employment—or equivalent—in his base period to qualify for benefits.

I do not think that Congress should undertake to tell the States of this Union how they shall expend moneys which belong to those States. Yet, that is precisely what section 151 of the bill as reported by the committee undertakes to do.

We are told in the very beguiling language of our good friend, the Senator from Louisiana, that the Federal requirement embodied in subsection (a) will affect only three States—or two States and Puerto Rico.

I change that statement to make it a little more accurate. I would say it would not change the provisions of State laws prescribing the weeks of work required by existing State laws as a condition precedent to eligibility for employment benefits except in the case of three States—or rather two States and Puerto Rico. However, it would rob all 50 States of the Union of the power they now enjoy to adopt laws on this subject inconsistent with the Federal standards which subsection (a) would impose upon all 50 States.

What would be the impact of these compulsory benefits standards on my State of North Carolina and the other States? North Carolina is an annual-wage State, meaning that the weekly benefits are based on the claimant's annual total earnings. This type of benefit formula is outlawed by the proposed standards in H.R. 15119, as amended by the committee.

North Carolina and other States with such provision have found that it meets their needs. Despite the fact that the experience has been most favorable under this law as it now exists, this would nullify the laws of North Carolina and the laws of every other State which has an annual-wage standard.

Under this proposal, we would force the General Assembly of North Carolina to completely rewrite its benefit law. Then, in my opinion, once we legislate at the Federal level on a 50-percent benefit, we will be requested at each future session to keep moving this percentage upward, and thus rob those drawing unemployment compensation benefits of any incentive to seek work until their eligibility ceases.

The Senate, which is confronted with so many legislative proposals now that it has to stay in session virtually the entire year, will have another burden of legislation imposed upon it by the adoption of Federal standards of eligibility and benefits, as the committee amendment undertakes to propose. This is so because demands to change Federal standards will be increasing until the sound program now existing is virtually wrecked.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. I begin by saying that I do not mean any impertinence

by the comparisons I may cite. We are up against the proposition that we have created here, to use a term for lack of a better term, a situation which is more or less amorphous—shapeless—no common form among the several States.

In my State of Rhode Island we are 96-percent manufacturing. So we are a consuming State in a large respect—buying the agricultural products of our sister States.

The Senator took occasion—and I do not dispute this at all—to recite what a wonderful fiscal situation exists in his beloved State of North Carolina. I think the people of North Carolina ought to be congratulated for it. But I do not believe it is because there is anything mysterious or anything peculiar about the people of North Carolina as individuals as distinguished from the people of Illinois or the people of Rhode Island.

It so happens that North Carolina has a mixed economy. North Carolina is both agricultural and manufacturing. We, in Rhode Island, who must buy the food we consume, pay taxes in order to support the farmers of North Carolina. Because of the preponderance of manufacturing in our State, we find that the workers in Rhode Island are in a less favorable situation. Our tax must always be kept at a maximum, for the simple reason that when we have unemployment, it affects many more people.

We do not have the mixed complex that exists to that State's advantage in North Carolina. The Rhode Island situation concerned me so much when I was Governor of my State, that I thought that the only solution to the whole problem was to nationalize unemployment compensation, because unemployed workers in Rhode Island or in California have a damaging effect on the national economy. Unemployment anywhere is the common peril and problem of us all.

I realize that we are legislating national standards with reference to benefits, but we are not legislating national standards with reference to the tax. I know that this is a difficult thing to do, but I would hope that one day we would do with the unemployment compensation what we have done with old-age pensions. They are levied on a national level; it is considered a national concern, a national problem; and I would hope that we would do the same with unemployment compensation.

I would hope that the distinguished Senator from North Carolina would remember one thing—that, fortunately, his State is a manufacturing and an agricultural State, and much of the problems of the agricultural people in that State are being supported by the taxpayers all over the country.

Mr. DOUGLAS. Mr. President, will the Senator yield for a further question?

Mr. PASTORE. I do not mean to be critical about this matter, but it so happens that the people of North Carolina are fortunate in that respect.

Mr. ERVIN. I would like to reply to the Senator from Rhode Island.

As I understand, the Senator from Rhode Island believes the whole setup should be changed so as to conform to conditions in Rhode Island.

Mr. PASTORE. No. Unemployment anywhere is our common misfortune. Our country prospers by interstate commerce between prosperous States.

Mr. ERVIN. I believe that the people in Rhode Island can handle those conditions far more effectively than can the people in North Carolina. That is why I am opposed to federalizing unemployment compensation for Rhode Island or the rest of the country. It would be prescribing uniform standards to govern diverse conditions.

Mr. PASTORE. Would the Senator feel the same about the subsidies we pay for tobacco? Why does not North Carolina subsidize the tobacco farmer in North Carolina?

Mr. ERVIN. I do not believe we are discussing tobacco.

Mr. PASTORE. That is the problem. We are discussing State economies and how employment and unemployment in those economies can best be handled.

Mr. ERVIN. We are discussing unemployment compensation, and I refuse to allow my good friend, the fisherman from Rhode Island, to drag that red herring across the trail.

Mr. PASTORE. I am not a fisherman, and have no red herring. Mine is a manufacturing State—and we know employment and unemployment problems.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DOUGLAS. Is it not true that a large part of the manufacturing in North Carolina is in the cigarette industry, cigarettes consumed over the rest of the country; that the demand for cigarettes is steady throughout the year; that during periods of depression, people still continue to smoke cigarettes; that as a result of this, there is relatively steady employment in North Carolina, and that is one reason why payment rates are low? In other words, it is not the virtue of North Carolina but the good fortune created by the nature of its product and the demand for the product, which is more steady than in the heavy-industry States, where the economy goes up and down like a roller coaster?

Mr. ERVIN. I say to the Senator from Illinois that the principal industry of North Carolina is textiles. While we manufacture a considerable amount of tobacco, that is not our principal industry.

But I would say to the Senator from Illinois that his State has much more industry than does North Carolina, and that Illinois is much more capable of paying taxes for unemployment compensation than is North Carolina, and I believe that the taxes the employers of Illinois pay for that purpose ought to be used for the benefit of their unemployed employees rather than for the benefit of those who are unemployed in North Carolina and elsewhere.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MORTON. Inasmuch as tobacco has been injected, the burley tobacco program has not been subsidized and has not cost the taxpayers any money—speaking of the burley tobacco program. But apart from that, in North Carolina, a State with which I have some familiarity, does not the furniture industry give more employment than the cigarette industry?

Mr. ERVIN. The Senator is correct.

Mr. MORTON. And certainly that industry goes up and down.

Mr. ERVIN. Furthermore, the tobacco manufacturer pays more into the Federal Treasury for general purposes than does any other manufacturer.

Mr. DOUGLAS. Do they pay more or do the consumers pay more?

Mr. ERVIN. The manufacturers.

Mr. DOUGLAS. They advance it, but the consumers pay for it.

Mr. ERVIN. The consumer, in the last analysis, always pays the freight.

Mr. DOUGLAS. They do, with cigarettes.

Mr. PASTORE. I repeat that I do not wish to take the position here that we should all pick on and criticize tobacco. I did not mean that point. I do not mean any impertinence about this.

The Senator from North Carolina took occasion to recite a wonderful fiscal record, and all I am saying is that there is no magic about the people in North Carolina as opposed to the people in Kentucky or in Rhode Island. A complex is involved here that changes from State to State and which creates certain problems that, in my view, sometimes become a national concern.

Mr. ERVIN. That is the very reason why, when the unemployment compensation program was set up, it was provided that the decisions in reference to the matters that are covered by the committee amendment should be left to the States, because there are differences from State to State.

Mr. PASTORE. I realize that, but the point is that perhaps we made a mistake at that time. I am not saying that we will wave a magic wand here and change that. I know how difficult that will be in Congress.

I was Governor of my State, and I had definite problems. My State always has had the maximum tax. It is not because the people in Rhode Island do not know how to administer as well as the people in North Carolina. It so happens that we in Rhode Island do a lot of buying. We do a lot of buying of food that is being subsidized by the agricultural price support, whether it be wheat or cotton or tobacco.

The point I am making is that some States are in a very advantageous position because they have a mixed economy, which other States do not have. So the problem exists.

For anyone to say that an unemployed man in Rhode Island or an unemployed man in North Carolina is of no concern to a citizen in California, I believe is a serious mistake. That is all I am saying.

Mr. ERVIN. I say to the Senator from Rhode Island that North Carolina prob-

ably supports Rhode Island as much as Rhode Island supports North Carolina, because the people of North Carolina buy many of the products of Rhode Island's manufacturing plants.

Mr. PASTORE. Of course.

Mr. ERVIN. Are we desirous of going into the business of rewriting the unemployment compensation laws of the 50 States in every detail in each session?

This seems to me to be the beginning. We get bogged down now. Do we not have enough to do without opening up this area as a new duty and responsibility? This area has, from the inception, been solely a State responsibility and one which the States have well met in keeping with their own peculiar States' unemployment problems.

There are those who argue to the contrary. However, if one looks hard enough he will see that those are the individuals and organizations who would like to federalize completely the unemployment compensation program; but not having been able to accomplish federalization, they have over the years been seeking Federal unemployment compensation standards of all kinds.

In order that no one may be confused by the many justifications offered by the proponents of Federal benefits standards, I wish to single out one simple fact for Senators to consider before they determine their position on the benefit standard proposal. Do Senators realize that we are proposing to tell each State in the Nation just how much, for how long, and under what condition each respective State must spend its own tax-collected dollars? The funds from which State benefits are paid to the eligible unemployed are funds derived solely from State-collected tax money, and are solely owned by each State. These funds are not grant-in-aid funds in respect to which Congress has always exercised its right with respect to fixing standards. We have never, to my knowledge, placed—and I hope we shall never place—Federal standards on 100-percent State-collected-and-owned tax dollars. If we do, just what will we be starting?

If we adopt the amendments recommended by the committee, we are starting to do just that. We will be authorizing the Federal Government to control the States in the expenditure of State-owned funds. Such action is inconsistent with sound or wise Federal-State relations.

Mr. CARLSON. Mr. President, before we vote on this issue I would like to express my views on the committee amendments and the amendment pending at the desk. I understand that we are voting on one section of the proposal which deals with Federal standards.

Having served as the Governor of a State for 4 years, I am somewhat familiar with the bill. I would say very honestly and frankly that this federally created agency of unemployment compensation administered by the States has been one of the most successful operations that we had in the State of Kansas. Our State never hesitated to give working periods that took care of these people, in addition to payments each week. We had no difficulty with the Federal Government.

I would sincerely regret to see the Senate today vote to establish Federal standards and take this fine program away from the management of the States. In my opinion, that is what is going to happen if we vote for the committee amendment.

There has been some discussion, and one might be led to believe, that the States have not been taking care of this situation. I have gathered some information that should be in the RECORD which indicates how well the States have been taking care of the matter with this program.

In 1939, keeping in mind that the program was established in 1935, the average weekly benefit payment was $10.60. By 1965, the average weekly benefit payment had risen to $37.19. Since 1939, the cost of living has gone up 126 percent. But the average benefits paid by these States, which have been under criticism this morning, have increased 250 percent.

When we look at the total amount of benefits that a worker can receive today, as compared with 1939, the States' cases are even stronger. In 1939, the typical State paid a maximum of 16 weeks of benefits at a maximum weekly rate of $15, thus entitling a worker to a maximum total benefit of $240. A few States paid somewhat less and a few States paid a little more. But if one will look at the overall record today, it will be found that 42 States have total maximum benefits in excess of $1,000, 25 of them over $1,200, and 7 States pay more than $1,500.

In 1939, the most liberal State paid $300 and most States paid a maximum of $240. Compared with any index which might be used, this increase of four, five, or six times in the total maximum benefits is satisfactorily "keeping pace" with the cost-of-living index and the present price-wages under which we are living.

It occurs to me that the States have demonstrated that this is one program that they are not only handling properly, but they are taking care of unemployment.

Mr. President, I sincerely hope that the committee amendments will not be approved.

The PRESIDING OFFICER. The question is on agreeing to the language on page 28, lines 19 to 23 inclusive. The yeas and nays have been ordered.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INOUYE in the chair). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I believe the States must retain their participation in the unemployment compensation program so that it can be more effectively administered. Interference by the Federal Government can only be harmful to the State unemployment compensation systems, thereby adversely affecting both the employer and employee.

In considering this bill the Senate committee—by only one vote—adopted an amendment providing Federal standards relating to the eligibility, amount, and duration of benefits payable to unemployed workers of the various States. In so doing, the committee rejected the wisdom of the House of Representatives, which passed overwhelmingly a bill void of these Federal controls.

As the House knew well, no justification exists for a radical departure from a joint cooperative system to a federally controlled and dictated system. To make this change would be to destroy the basic concept of unemployment compensation.

A careful review of the 30-year history of this legislation conclusively demonstrates that without the heavy hand of Federal intervention, the individual States have adopted, modified, improved, and expanded their unemployment insurance programs to meet the peculiar conditions of each State. This has resulted in a better system than would have come about if the States had been held to rigid Federal benefit standards.

I feel that adoption of Federal standards would not be progressive, but regressive, reversing the progress the program has experienced and acting detrimentally to the covered workers, employers, and State taxpayers.

It should be noted that the committee's bill would require extensive revisions in the unemployment insurance programs in all of the 50 States, in order to conform to one or more of the newly dictated Federal standards.

In order to meet the Federal benefit eligibility standards suggested by the Senate committee, 22 States would be required to amend their laws. Thirty-three States would be required to amend their laws to increase the maximum weekly benefit amounts payable. And 46 States would be required to increase the duration of their benefits.

In addition, the committee's bill would force the States to use their resources to provide increased benefits for individuals now receiving the largest benefit amounts, at the expense of poorer workers and families with dependents—a fine example of Federal control at its worst.

We all know that the State's freedom to prescribe periods over which beneficiaries will draw benefits has been an integral part of our Federal-State system for the last 30 years. The trend in State legislation has been to adopt a variable duration period, correlating the length of the benefit to the amount of base-period employment of the claimant.

The committee's bill would require all States to provide 26 weeks of benefits to any individual who has 20 weeks of base-period employment. It is a flat figure provided by so-called Federal wisdom with no room for compromise or consultation from the States, who we are to believe have learned nothing from 30 years of experience in this field.

Increased benefits ordered by this Federal unemployment bill could totally disrupt the budgets of many States. Let me point out that under the Federal dictation bill the required Texas tax increase of some $47 million between this year and next would be larger than the $36 million increase in all other Texas State taxes planned for the same period.

Mr. President, my State has a number of needs, all of which cannot be handled at the same time. Last year Texans decided that the improvement of education would receive top priority. Accordingly, the legislature increased appropriations for higher education by about $40 million a year over the coming 2 years—an amount less than the tax burden this committee bill would place on Texas in those same years.

To improve elementary and secondary education, the legislature financed an increase of about $80 million a year over the next 2 years to provide for enrollment growth and higher teacher salaries. But this step would be jeopardized by the federally forced tax increase the committee's bill would bring.

And, despite the demonstrated fiscal insanities of this bill, the basic question remains one of where the decision should be made on priorities in the raising and spending of revenues to support State and local needs.

My objections to this bill go beyond the purely financial impact and go directly to this bill's impact on the Federal system of government. Under the committee's bill the Federal Government will take over more and more of the responsibility for deciding how the resources of a State shall be used to meet the needs of its citizens.

We all recognize, of course, that under our federal system certain functions rightly lie within the Central Government's responsibility. We also recall a coequal principle of our federal system—that the Central Government must abstain from getting unnecessarily involved in State and local activities.

Unemployment quite clearly presents a gray area between these two principles. Its problems and impact are neither exclusively national nor exclusively local. Thus Congress originally framed the unemployment insurance program as a joint, coordinate program of shared responsibility, vesting in National Government certain overall functions and leaving to the States the final decisions on financing and benefits.

That system, Mr. President, has worked. It has provided ever-improving benefits for the unemployed without bankrupting the States in the process and while allowing local priorities to be treated in order of their importance.

Under the cooperative system, benefits have increased regularly in both amount and duration. The antirecession purposes of the system also have been well served by transferring to the unemployed during recessions vast sums of money from reserves carefully built up during prosperous times.

State autonomy has permitted rapid adjustment to changing local conditions. There has been active participation in the program by the employers and employees directly affected, generating a sense of responsibility for local affairs.

Throughout its 30 years of successful operation this program has been subjected to guerrilla warfare attacks from those faint-hearted bureaucrats who do not believe there is any use for State and local governments. These attacks have sought to undermine the cooperation between Federal and State administrators and to distract from State accomplishments.

The House of Representatives rejected this year's manifestation of this continuing attack by those who would remove the people from control of the people's affairs. The Senate should exhibit similar sagacity.

Let us reject this notion that all the country's wisdom resides in Washington. Let us continue to honor and utilize local knowledge, local experience and local participation in the governing of our citizens.

This bill, Mr. President, would disrupt the unemployment compensation laws in all of the 50 States. It would impair the program's ability to meet the needs of our unemployed workers, for whom the program, as managed by the States, has been a bulwark during the past 30 years.

I strongly recommend that the Senate delete from this committee bill the unwise provisions dictating Federal standards and Federal controls, preserving instead the joint Federal-State system which has served, and is serving, our Nation well.

Mr. THURMOND. Mr. President, the Senate Finance Committee's proposed amendments to H.R. 15119 raise the issue of the most fundamental concept of Federal-State relations. The committee amendment in question would provide national standards relating to the eligibility, amount, and duration of benefits payable to unemployed workers under State programs. I favor the retention of the basic philosophy which has guided this cooperative program since its inception—that is, that each State retains the authority and responsibility for establishing its own guidelines as to eligibility, amount, and duraton of benefits payable under the Unemployment Insurance Act.

This, in my judgment, is the issue. The issue is not, as some would have us believe, whether the amount payable should be greater than it is in some States, whether the duration of the benefits should extend for a greater period of time than it does in some States, or whether eligibility standards should be more lax than they are in some States. The basic issue which faces the Senate today is whether this criteria will remain the responsibility of the indivdual States or whether the National Government in Washington will dictate the terms and conditions to the States. If the latter view prevails, the future of existing cooperative programs of this nature is in jeopardy. Also, it is predictable that the States will view future proposals of a cooperative nature with a great amount of scepticism and will be reluctant to lend their support to them for the very simple reason that the authority granted to them in the original program may well be wiped away in the future by amendments of the nature which are here proposed.

There is absolutely no justification for this radical departure from the basic concept which has undergirded the unemployment insurance program from the time of its original enactment. Conditions of employment and unemployment and the opportunity to find new employment differ from State to State. So also does the overall cost of living. These factors were taken into consideration and were determinative in the original drafting of the unemployment compensation insurance program. While there have been many changes in our country since this bill was originally enacted into law by the Congress, differences from State to State still exist and will continue to exist. The question is whether Congress will show enough wisdom to recognize that there are differences between the States and allow for them, or whether Congress will attempt to legislate uniformity to the detriment of many of the States and the workers of those States.

The amendments added by the Senate Finance Committee, by only a one-vote margin, will require almost all of the 50 States to substantially revise their existing unemployment insurance programs. According to the minority views contained in the Finance Committee report on the bill, 22 States would be required to amend their law in order to comply with the Federal benefit eligibility standards imposed by the committee amendment. Thirty-three States will be required to amend their laws relating to the maximum weekly benefit in order to conform to the Federal standards. Forty-six of the 50 States will be forced to change the law now on the books specifying the duration of benefits payable to individuals who have 20 or more weeks base-period employment. In my view, this is not Federal-State cooperation. This is Federal dictation to the States in its rawest form.

In its attempt to legislate uniformity among the States, the Congress should be aware that uniformity can be ultimately achieved only at the lowest common denominator. Great strides have been made by those States which were least industrialized when this law was originally put on the books. The industrial base of those particular States has expanded tremendously in recent years, and the prospects for a further and even greater expansion are tremendous. New and expanded industry creates employment, and not unemployment. The legislation now pending before the Senate, however, will unquestionably hamper and slow down industrial expansion and will to that extent be self-defeating.

I urge the Senate not to be shortsighted enough to adopt the Senate Finance Committee's proposed amendments to H.R. 15119. A long range view of this whole situation is convincing on the point that federalization of the unemployment insurance program is not in the best interests of this Nation.

Mr. GRIFFIN. Mr. President, over the years Michigan has developed what I believe is an excellent unemployment compensation law, attuned to the needs of our State. Indeed, ours is one of the best in the Nation.

Unlike most other States, Michigan does not have a single maximum benefit. Here is the way our law works.

In the first place, each qualified applicant receives weekly benefits amounting, not to half, but to 55 percent of his prior weekly wage, up to the prescribed maximum.

The schedule of maximum benefits is as follows:

The maximum for a single person is $43.

The maximum for a person with one adult dependent—for example, man and wife—is $47.

The maximum for a person with one dependent child is $52.

The maximum for a person with an adult dependent and children is—

With one child, $59.

With two children, $66.

With three or more children, $72.

The benefit provision in the Senate committee amendment gives no recognition to the variable maximum system of benefits in effect in Michigan.

The statewide average wage in Michigan in 1965 was approximately $134. By 1967, if current trends continue, the average wage will be about $140.

This means that if the proposed maximum requirement were adopted, the maximum benefit for a single person in Michigan would have to be raised from the present $43 to $70 by 1967.

Then the State of Michigan would either have to abandon its variable maximum system—or if it should decide to maintain the system with the present spread, the maximum for a family man with three or more children would have to be raised to $99.

This system of variable maximums was originally designed in 1954 by an advisory council comprised of representatives of labor and management, appointed by our Governor.

This council meets every biennium and has over the years made recommendations which have resulted in the constant improvement of the Michigan law.

Some of the amendments offered here today could seriously interfere with the benefit schedule and the unemployment compensation program that is operating so well in my State.

Mr. WILLIAMS of Delaware. Mr. President, I think the Senate might as well proceed to vote on the committee amendment.

The issue is clear. The adoption of the committee amendment would eliminate the minimum earning requirements in any State. Its adoption would have the effect of providing that in any State where a man had worked for 20 weeks, even if he earned only $1 per week, he could draw—assuming the unemployment was high enough to trigger the benefits—a full year's unemployment benefits. As one member of the staff said, a man could be working cutting the grass at 75 cents per week, and he still would be eligible for a full year's benefits.

I ask for a vote on the amendment. It should be defeated.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on lines 19 through 23, page 28 of the bill, as follows:

(A) the State law shall not require that an individual have more than 20 weeks of employment (or the equivalent as provided in subsection (4)) in the base period to qualify for unemployment compensation;

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Mississippi [Mr. STENNIS] are absent on official business.

I also announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], and the Senator from Utah [Mr. MOSS] are necessarily absent.

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from Mississippi would vote "nay," and the Senator from Connecticut would vote "yea."

On this vote, the Senator from Utah [Mr. MOSS] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from Utah would vote "nay," and the Senator from Tennessee would vote "yea."

On this vote, the Senator from Alabama [Mr. HILL] is paired with the Senator from Connecticut [Mr. DODD]. If present and voting, the Senator from Alabama would vote "nay," and the Senator from Connecticut would vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Louisiana would vote "nay," and the Senator from New Mexico would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Vermont [Mr. PROUTY], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Pennsylvania [Mr. SCOTT] would vote "nay."

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from Vermont would vote "yea," and the Senator from Utah would vote "nay."

The result was announced—yeas 44, nays 39, as follows:

[No. 174 Leg.]

YEAS—44

Aiken	Inouye	Monroney
Anderson	Jackson	Morse
Bayh	Javits	Muskie
Boggs	Kennedy, Mass.	Nelson
Brewster	Kennedy, N.Y.	Neuberger
Byrd, W. Va.	Long, Mo.	Pastore
Cannon	Long, La.	Pell
Case	Magnuson	Proxmire
Clark	Mansfield	Randolph
Douglas	McCarthy	Symington
Fong	McGee	Tydings
Griffin	McGovern	Williams, N.J.
Gruening	McIntyre	Yarborough
Hart	Metcalf	Young, Ohio
Hartke	Mondale	

NAYS—39

Allott	Hickenlooper	Robertson
Bible	Holland	Russell, S.C.
Byrd, Va.	Hruska	Russell, Ga.
Carlson	Jordan, N.C.	Saltonstall
Church	Jordan, Idaho	Simpson
Cooper	Kuchel	Smathers
Cotton	Lausche	Smith
Curtis	McClellan	Sparkman
Dirksen	Miller	Talmadge
Dominick	Morton	Thurmond
Ervin	Mundt	Tower
Fannin	Murphy	Williams, Del.
Harris	Pearson	Young, N. Dak.

NOT VOTING—17

Bartlett	Ellender	Moss
Bass	Fulbright	Prouty
Bennett	Gore	Ribicoff
Burdick	Hayden	Scott
Dodd	Hill	Stennis
Eastland	Montoya	

So the committee amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCARTHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the language on page 28, lines 24 and 25, and continuing to page 29, lines 1 to 7, inclusive, as follows:

(B) the State law shall provide that the weekly benefit amount of any eligible individual for a week of total unemployment shall be (i) an amount equal to at least one-half of such individual's average weekly wage as determined by the State agency, or (ii) the State maximum weekly benefit amount (exclusive of allowances with repect to dependents) payable with respect to such week under such law, whichever is the lesser;

Mr. MORTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORTON. What was the language? I did not hear it.

The PRESIDING OFFICER. The question is on agreeing to the language on page 28, lines 24 and 25, continuing to page 29, lines 1 to 7, inclusive.

Mr. LONG of Louisiana. Mr. President, I wish to offer an amendment to the committee amendment, and I would like to explain it. There are a number of States that operate on an annual wage basis. They judge the benefits by the annual wage. There are six States that judge benefits by the annual wage rather than by the weekly wage.

The amendment which I send to the desk would solve their problem and put them in conformity with the bill we have before us.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS of Delaware. Are amendments to the committee amendment in order prior to the adoption of the committee amendment as a whole?

The PRESIDING OFFICER. The parliamentarian advises the Chair that is correct.

Mr. LONG of Louisiana. Mr. President, I offer this amendment at the request of the Senator from Alaska and the Senator from Washington, whose States operate on an annual wage basis. This amendment is designed to insure that the bill's minimum benefit standards shall not be misapplied in situations where the results anticipated by the standards are already being met. It means that these six States would not have to abandon their annual wage system to come in conformity with the intention of the bill. This amendment would affect Alaska, New Hampshire, North Carolina, Oregon, Washington, and West Virginia.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. JACKSON. Is my understanding correct that if this amendment is adopted it will not be necessary for the legislatures in those States to change their existing laws?

The PRESIDING OFFICER. The Chair would like to advise the Senator from Louisiana that the Parliamentarian advises the Chair that the Senator's amendment is not in order, the way it is drafted.

Mr. LONG of Louisiana. Will the Chair advise me why it is not in order at this time?

The PRESIDING OFFICER. Because the Senate has already agreed to the language the Senator proposes to strike out.

Mr. LONG of Louisiana. I modify my amendment to simply make that amendment come at another place. The amendment we are getting ready to vote on ends at line 23, does it not?

The PRESIDING OFFICER. It ends at line 24.

Mr. LONG of Louisiana. It begins at line 24. Where does it end?

The PRESIDING OFFICER. Line 7, page 29.

Mr. LONG of Louisiana. If I may modify my amendment to make it come at the end of the same line, line 7, would it not be in order?

The PRESIDING OFFICER. The amendment would be in order as an amendment to the committee amendment.

Mr. LONG of Louisiana. I so modify my amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. LONG of Louisiana. Mr. President, I ask that the reading of the amendment be dispensed with, and that the amendment be printed in the RECORD. It will be easier for me to explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, at the end of line 7, insert the following:

"SEC. 3309(a) CERTIFICATION.—

"(1) On October 31, 1968, and October 31 of each calendar year thereafter the Secretary of Labor shall certify to the Secretary each State whose law he finds

"(A) is in accord with the requirements of subsection (c) and has been in accord with such requirements for substantially all of the twelve-month period ending on such October 31 (except that for 1968, it shall be the four-month period ending on October 31) and that there has been substantial compliance with such State law requirements during such period;

"(B) contains a benefit formula with respect to which the State agency has established as of July 1 of the applicable calendar year accords with the conditions of subsection (d).

"(2) The Secretary of Labor shall not withhold his certification to the Secretary unless, after reasonable notice and opportunity for hearing to the State agency, he finds

"(A) that the State law is not in accord with the requirements of subsection (c) or has not been in accord with such requirements for substantially all of the twelve-month period ending on such October 31 (except that for 1968, it shall be the four-month period ending on October 31) or that there has been a failure to comply substantially with such State law requirements during such period; or

"(B) that the State agency has not established as of July 1 of the calendar year that the benefit formula in its State law is in accord with the conditions of subsection (d). For any State which is not certified under this subsection on any October 31, the Secretary of Labor shall within ten days thereafter notify the Secretary of the reduction in the credit allowable to taxpayers subject to the unemployment compensation law of such State pursuant to section 3302(c)(4).

"(d) ALTERNATIVE CONDITIONS.—

"The State agency shall establish on July 1 of each calendar year after 1967, to the satisfaction of the Secretary of Labor, that the benefit formula contained in the State law as of such July 1 and for substantially all of the twelve-month period ending on the immediately preceding June 30, would have had the result, for the immediately preceding calendar year (had such calendar year been their base period), of providing at least 65 percent of all individuals in covered employment in the State with a weekly benefit amount of at least 50 percent of each such individual's average weekly wage and at least 80 percent of all such individuals with a total benefit amount of at least 26 times each such individual's weekly benefit amount."

Mr. LONG of Louisiana. Mr. President, the amendment is designed to insure that the bill's minimum benefit standards will not be misapplied in situations where the results anticipated by the standards are being met. The objective of the standards section is to assure that the greater majority of covered workers could, if unemployed, receive a benefit of 50 percent of their average wage, and that not more than 20 percent of the covered workers would have protection for less than 26 weeks. Under the alternative requirement proposed by the Senators from Alaska [Mr. BARTLETT and Mr. GRUENING], the Senators from Washington [Mr. MAGNUSON and Mr. JACKSON] and other Senators, the State formula, no matter what it was, would be applied to the wages and employment experience of covered workers during the prior calendar year. If at least 65 percent of the workers would have received a benefit equal to one-half their wages and at least 80 percent would have had a potential duration of 26 weeks or more, the State law would be certifiable under this section for the following taxable year. That is, if in 1968 the benefit formula in effect during the period of July 1 to October 31 would have produced the specified results when applied to the wages of covered workers in 1967, the State law would be certifiable under section 3309(A) for the taxable year 1968 and employees in that State would qualify for the 2.7 percent Federal tax credit.

The amendment also has the effect of giving States credit for family benefits. In some States, benefits are provided to the dependents of workers. The amendment would have effect in that case, as well.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MAGNUSON. As I understand, the State of Washington and other States compute unemployment compensation on an annual wage basis.

Mr. LONG of Louisiana. Yes.

Mr. MAGNUSON. Would the amendment allow such States to continue to pay unemployment benefits based on such computation?

Mr. LONG of Louisiana. The Senator is correct.

Mr. MAGNUSON. The legislature of the State of Washington would not have to make any changes in order to conform with the Federal law?

Mr. LONG of Louisiana. It would not—so far as your method is concerned.

Mr. MAGNUSON. That is what my junior colleague from Washington [Mr. JACKSON] and I were concerned about.

Mr. LONG of Louisiana. Mr. President, I know of no objection to my floor amendment, and I hope we might dispose of it without a rollcall.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The question is on agreeing to the amendment offered by the Senator from Louisiana.

The amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, may I explain the amendment that is now before us?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG of Louisiana. The committee amendment would provide that workers receive 50 percent of their——

The PRESIDING OFFICER. The Chair will interrupt for a moment to state the question that is before the Senate. It is on agreeing to the committee amendment, as amended, which begins on line 24, page 28, and continues through line 7 on page 29.

Mr. LONG of Louisiana. Mr. President, what this amendment provides is that when a worker is unemployed, he would receive a benefit, after 20 weeks,

amounting to at least 50 percent of what his average weekly wage has been.

Forty-four States already have such a provision. As to most of the States that do not so provide, the amendment which I offered would take care of their problem, because they achieve the same result, but they do it on an annual wage basis; therefore the amendment which I offered, and which the Senate has agreed to, would largely solve their problem.

The pending amendment would require two States, California and Massachusetts, to come into line with the other States. It creates no real problem as far as those two States are concerned; so this is a rather limited adjustment, to simply say that in 50 States, instead of 48, when a man is out of work, his benefit would equal 50 percent of what his average weekly wage has been.

Now, that is subject to a further limitation, later in the bill, providing that that amount should not exceed 50 percent of the average wage paid in the State. But all we are to vote on in connection with this amendment is whether the man would be entitled to receive 50 percent of what his average wage has been, after he has worked 20 weeks.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. McCARTHY. The adjustment required in the two States the Senator has mentioned would be less than one-fourth of 1 percent. It is minimal. In effect, one could say all States are really unaffected, in practice, with the exception of these two, which would have to make an adjustment of one-fourth of 1 percent or less in order to comply.

Mr. LONG of Louisiana. In other words, Mr. President, as the Senator has so well stated, this would require 2 States to adjust their benefits by about one-fourth of 1 percent, to fall in line with the other 48 States.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MORTON. If it is only going to require two States to adjust by one-fourth of 1 percent, why are we bothering with it? We had a vote on this question of Federal standards, and the position of the Senator from Louisiana prevailed. We have these other Federal standards; let us go ahead and get through with them. I assume the votes will be the same as they were. The Senator apparently has the votes.

I shall then offer a substitute for the entire bill. I cannot do it when we are considering these committee amendments, under parliamentary procedure. I shall offer as a substitute for the bill as passed by the House. Everybody knows the issues; we can go ahead and have a rollcall on that, and that would wind this thing up.

Mr. LONG of Louisiana. Mr. President, as far as I am concerned, that is perfectly all right. I am not trying to delay the matter.

The PRESIDING OFFICER. The question now recurs on agreeing to the committee amendment, as amended.

Mr. ERVIN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. ERVIN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Connecticut [Mr. RIBICOFF] are absent on official business.

I also announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], and the Senator from Utah [Mr. Moss] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mrs. NEUBERGER] would vote "yea."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from Mississippi would vote "nay," and the Senator from Connecticut would vote "yea."

On this vote, the Senator from Alaska [Mr. BARTLETT] is paired with the Senator from Massachusetts [Mr. SALTONSTALL]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from Tennesse [Mr. GORE] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Tennessee would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Alabama [Mr. HILL] is paired with the Senator from Connecticut [Mr. DODD]. If present and voting, the Senator from Alabama would vote "nay," and the Senator from Connecticut would vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Louisiana would vote "nay," and the Senator from New Mexico would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Vermont [Mr. PROUTY]. If present and voting, the Senator from Utah would vote "nay," and the Senator from Vermont would vote "yea."

On this vote, the Senator from Massachusetts [Mr. SALTONSTALL] is paired with the Senator from Alaska [Mr. BARTLETT]. If present and voting, the Senator from Massachusetts would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from Tennessee would vote "yea."

The result was announced—yeas 44, nays 38, as follows:

[No. 175 Leg.]

YEAS—44

Aiken	Hartke	Mondale
Anderson	Inouye	Monroney
Bayh	Jackson	Morse
Bible	Javits	Muskie
Boggs	Kennedy, Mass.	Nelson
Brewster	Kennedy, N.Y.	Pastore
Byrd, W. Va.	Long, Mo.	Pell
Cannon	Long, La.	Proxmire
Case	Magnuson	Randolph
Church	Mansfield	Symington
Clark	McCarthy	Tydings
Douglas	McGee	Williams, N.J.
Fong	McGovern	Yarborough
Gruening	McIntyre	Young, Ohio
Hart	Metcalf	

NAYS—38

Allott	Holland	Russell, S.C.
Byrd, Va.	Hruska	Russell, Ga.
Carlson	Jordan, N.C.	Simpson
Cooper	Jordan, Idaho	Smathers
Cotton	Kuchel	Smith
Curtis	Lausche	Sparkman
Dirksen	McClellan	Stennis
Dominick	Miller	Talmadge
Ervin	Morton	Thurmond
Fannin	Mundt	Tower
Griffin	Murphy	Williams, Del.
Harris	Pearson	Young, N. Dak.
Hickenlooper	Robertson	

NOT VOTING—18

Bartlett	Ellender	Moss
Bass	Fulbright	Neuberger
Bennett	Gore	Prouty
Burdick	Hayden	Ribicoff
Dodd	Hill	Saltonstall
Eastland	Montoya	Scott

So the committee amendment, as amended, was agreed to.

Mr. McCARTHY. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. ANDERSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

The next committee amendment to be voted on is on page 29, lines 8 through 14.

Mr. THURMOND. Mr. President, I thought I was recognized.

The VICE PRESIDENT. The Chair was making an announcement as to the next committee amendment. The Senator is recognized.

Mr. MANSFIELD. Mr. President, what is the announcement?

The VICE PRESIDENT. The next committee amendment to be voted on is on page 29, lines 8 through 14.

The Senator from South Carolina is recognized.

Mr. LONG of Louisiana. Mr. President, the amendment before the Senate

would require that an individual who has 20 weeks of work must be provided with 26 weeks of unemployment compensation benefits.

This requirement probably puts less of a burden on the States than do any of the other committee amendments. Eighty-four percent of our unemployed workers today are eligible for 26 weeks or more of unemployment compensation if they lose their jobs.

The average potential duration for all persons who become unemployed today is 24 weeks. When it is considered that the average spell of unemployment for a typical worker is only about 6 weeks, this requirement that workers be provided with only 26 weeks of benefits becomes rather insignificant.

Seven States today satisfy this requirement completely by providing uniform duration for all their unemployed. New Mexico provides 26 weeks of benefits for every individual who has 22 weeks of work. Three other States, California, the District of Columbia, and Pennsylvania, provide 26 weeks of benefits for a worker who has been unemployed for 26 weeks.

In Massachusetts, the average potential duration is 25.7 weeks; Utah, the average potential duration of unemployed workers is 25.6 weeks; in Oregon, it is 25.3 weeks. A great number of States already have average potential duration of 23 or more weeks. Only 14 percent of our unemployed workers would be affected by this requirement, and of them, only those who remain unemployed far longer than the 6-week average spell of unemployment would actually get benefits for a longer period than they do today.

As in the case of the eligibility requirement and the 50-percent individual benefit amount requirement, this duration requirement is more a reflection by the Federal Government of the actual practices within the States than it is a new high standard, which States would be required to move up to. The upgrading of State plans by reason of this requirement is slight.

I urge that the committee amendment described as subparagraph (C) beginning on page 29, line 8 be agreed to.

Mr. MORTON. Mr. President, if it be agreeable to the chairman of the committee—I understand that we are now down to line 7, page 29—I ask that the amendment which is now pending be coupled with the committee amendment going through that part of the bill, which would bring it down through line 7 on page 34; in other words, that the committee amendments be considered en bloc from now on, through title I of the bill.

Mr. LONG of Louisiana. Mr. President, I know that some Senators have made plans and have made commitments to be away, and in order to save time, I would be willing to make that request, in the hope that we might agree to the remainder of the committee amendments en bloc.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, I believe that I should explain the remainder of this committee amendment. The remainder of it would provide that the State benefit would be no less than 50 percent of the statewide average weekly wage.

This amendment, taken in conjunction with the requirement that an individual's benefits shall be equal to 50 percent of his average wage, provides the standards on the weekly benefit amount.

A number of States today which do provide their unemployed workers with 50 percent of their average weekly wage, have a limit generally stated in dollars on the maximum amount that may be paid to any unemployed worker. In my own State of Louisiana, for example, the maximum today is $45 a week. This works out to about 45 percent of the State average wage in Louisiana. Thus, our maximum would have to be increased by an additional $5. I might point out here that our State legislature, just last month, increased the weekly benefit amount from $40 to $45.

In 18 of the States the maximum benefit amount is already set at 50 percent or more of the State average wage and in these States no further action would be needed to comply with this standard. A number of other States, however, fall short of meeting this 50-percent requirement.

Nineteen of our States have benefits ranging between 40 percent and 49 percent; the remaining 15 States have maximum limitation which is less than 40 percent of an individual's weekly wage. Thus, while low-paid workers in the State already get 50 percent of their average weekly wage, the higher paid workers in the State bump up against the maximum limitation and find their unemployment benefits are less than one-half their wage.

Under this committee amendment, higher paid workers in a State would get an increased unemployment benefit beginning in 1968. If this committee amendment were not agreed to, there would be no maximum limitation on the State benefits and a highly paid movie star in California, the corporate executive in New York, or bank president in Chicago, would get one-half of his fantastic salary if he became unemployed. We have to have a limitation on the amount the States will have to pay out.

I urge that the committee amendment described as paragraph (2) beginning on page 29, line 15, be agreed to.

Mr. INOUYE. Mr. President, I wish to offer an amendment to the committee amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Hawaii will be stated.

The legislative clerk proceeded to read the amendment.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of line 11, on page 29, it is proposed to strike out the period, insert a comma, and add the following: "But this paragraph shall not preclude a State law from limiting the payment of benefits based on base period seasonal employment or wages to seasonal workers (as defined in the State law) to the seasonal period specified in such law, nor shall this paragraph preclude the apportionment of benefits during a benefit year on the basis of seasonal and nonseasonal base period employment or wages."

Mr. LONG of Louisiana. Mr. President, this amendment provides that seasonal workers would be paid unemployment benefits only during that season.

Mr. INOUYE. The Senator is correct.

Mr. LONG of Louisiana. This amendment conforms to existing law in the States. I have studied the amendment and I have no objection.

Mr. WILLIAMS of Delaware. Mr. President, I do not understand the amendment. If I am correct in my understanding, the States are now being taken up one by one to pick up enough support for Federal standards. If Hawaii wants Federal standards why exempt them?

Mr. LONG of Louisiana. This is an amendment which I am sure the committee would have agreed to. The Senator from Hawaii is not a member of the committee but he certainly had every right to offer an amendment to make the bill conform to a practice that exists in the States. As I understand the situation, this is what the existing law provides.

Mr. INOUYE. The amendment would clarify the present intent of the law. I want to assure that seasonal workers would not be covered by this law. We have about 10,000 seasonal workers in canneries. If this provision passes without this clarifying language we may find that seasonal workers can work 20 weeks and get 26 weeks of payments.

Mr. LONG of Louisiana. This is a clarifying amendment. There is no Federal requirement on the subject. The Senator from Hawaii wishes to make it clear. I have no objection to the amendment. I do not understand why anybody objects.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the clerk read the amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Hawaii [Mr. INOUYE] will be stated.

The legislative clerk read as follows:

At the end of line 11, page 29, it is proposed to strike out the period, insert a comma, and add the following: "but this paragraph shall not preclude a State law from limiting the payment of benefits based on base period seasonal employment or wages to seasonal workers (as defined in the State law) to the seasonal period specified in such law, nor shall this paragraph preclude the apportionment of benefits during a benefit year on the basis of seasonal and nonseasonal base period employment or wages."

Mr. LONG of Louisiana. Neither existing law nor the bill which is before us requires anybody to pay unemployment benefits to seasonal workers. Some States do it. I applaud them for doing it. The State of Hawaii is one State that

does. The Senator from Hawaii wants to make it clear that no one would misconstrue the bill to do something that was not intended.

I am happy to accept the amendment that this does not tell a State what it will or will not do in connection with seasonal employees.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. Does the Senator say in the case of seasonal workers that they may, during a particular season, earn as much money as others do in the entire year and that they would not be covered by the present law?

Mr. LONG of Louisiana. We are saying that if seasonal workers do qualify under the 20 weeks of employment, the State could not be required to pay them unemployment benefits beyond the season. In other words, if the seasonal employee works enough to achieve the 20 weeks of employment, the State would not be required to pay his unemployment benefits for 26 weeks.

Mr. MILLER. So that 26 weeks would come to 20 weeks.

Mr. LONG of Louisiana. For seasonal workers.

Mr. MILLER. I wish to ask the Senator from Louisiana who determines the length of the season.

Mr. LONG of Louisiana. The State administrator determines that. We are trying to conform to the State law. I have no objection to doing that. If a State provides benefits beyond what the Federal Government insists upon, we do not want to interfere.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. I am not saying that I object. I am trying to get a clear picture. Suppose that a State does decide to do this. Does that mean that the State will receive some Federal money to carry out that provision?

Mr. WILLIAMS of Delaware. That comes later in the bill; to get the Federal money.

If the Senator will yield——

Mr. MILLER. I do not have the floor.

Mr. LONG of Louisiana. This provision makes clear that the State does not have to pay a seasonal worker for 26 weeks, which would be required if he were not a seasonal worker.

Mr. MILLER. Mr. President, will the Senator yield further so that I may ask a question of the Senator from Hawaii?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. Why is the amendment only worded in the "may" fashion? Why not prohibit it throughout the country?

Mr. INOUYE. Some States may desire to be more generous than Hawaii.

Mr. MILLER. Would the money be Federal money?

Mr. McCARTHY. They have the money.

Mr. INOUYE. The only money they receive will be administrative funds.

Mr. McCARTHY. But most of the money would come from State funds.

Mr. MILLER. There would be no Federal money involved if a State is in or out of it, so far as seasonal workers are concerned?

Mr. WILLIAMS of Delaware. I can explain it. This is an example of another State pinched by the proposed Federal standards, which have been approved by the earlier amendments, and they now are trying to get from under the yoke.

Mr. LONG of Louisiana. The entire amendment is rather simple. Federal law does not require coverage of seasonal workers and this bill does not require coverage of seasonal workers.

We voted to say that if a worker earns unemployment compensation benefits and is out of work he would be entitled to draw 6 months of benefits, or 26 weeks.

The State of Hawaii does something that most States do not do. I think it is a fine thing to do.

All that the Senator wants to provide is that if this is a seasonal worker who works during the summer or winter season, as the case may be, he cannot be regarded as unemployed except during this season.

If he is a harvest worker he is only unemployed during the harvest season, because that is the only time for which he is hired. So, really, if he is a seasonal worker, the Federal Government does not propose to make States pay benefits beyond the season, because that is the only period during which we can regard him as being unemployed. We in the committee did not study it. We did not think about the problem. It never came up. The Senator from Hawaii is not on the committee. He is a very fine Senator, taking very good care of Hawaii. He said to us, "We have a problem peculiar to Hawaii. You do not intend us to take 26 weeks for our workers who work only in the summertime or only in the wintertime, do you?"

We said, "No, we never intended to do that."

He said, "How about taking this amendment, to eliminate that intent, that notion?"

We said, "Fine."

There is the amendment.

Mr. GRIFFIN. Could the Senator from Louisiana interpret for me what the word "seasonal" means?

Mr. LONG of Louisiana. The State administrator determines it. This is something that the State does by its law, which is not a requirement of the Federal Government at all. We simply do not want to bring about unintended results, and this is what the amendment would do.

Mr. MORTON. The amendment of the Senator from Hawaii brings out some interesting points. For instance, many college boys and girls go to the States of Vermont, New Hampshire, and the other New England States, for summer work—I suppose that is seasonal—in the hotels and resorts up there. I do not know whether under Vermont or New Hampshire law they are covered.

It strikes me that when we try to pass Federal standards, then we offer this amendment, that amendment, and the other amendment to take care of some unique situation.

For instance, we have many fellows at work in Churchill Downs in Kentucky for 3 weeks, and they sell tickets to anyone who wants to bet 2 bucks on a bangtail. I guess that is seasonal work. The racetrack is open for only 5 weeks of the year. So I guess I will have to go into the cloakroom and draw up some kind of amendment to take care of racetracks.

Mr. LONG of Louisiana. What this amendment provides is that Kentucky can do about its bangtails whatever it blessed well pleases.

Mr. MORTON. Kentucky wants to do what is best for its citizens in this bill. That is why we do not want any Federal standards.

Under the committee amendment, apart from the amendment to the committee amendment of the Senator from Hawaii the Senate is now considering, it means that we have to pay 26 weeks of benefits for 20 weeks of work; is that not correct?

Mr. LONG of Louisiana. If the worker is covered.

Mr. MORTON. I wanted that point made clear.

Mr. FONG. Mr. President, under Hawaii's unemployment law, a person is paid 26 weeks' benefits for 20 weeks of work, or its monetary equivalent in his base period.

The monetary equivalent is defined in our State law as five times the State average weekly wage, which is a maximum of $500 in Hawaii.

What we in Hawaii are worried about is that seasonal workers in Hawaii probably would not qualify for 20 weeks of work, but they could easily qualify by earning $500 during a season. This committee provision, therefore, could effectively eliminate our seasonality provision and entitle most seasonal workers to qualify for the 20 weeks' benefits.

I have studied the measure proposed by the Finance Committee very carefully, and I have analyzed its provisions with great care to determine their applicability to Hawaii's very forward looking unemployment insurance law—particularly as it applies to our pineapple workers. Hawaii is unique among the States of the Union in that its unemployment law is the only one which extends coverage to agricultural workers. The State law deals with the problem of seasonality in agricultural labor by a carefully conceived formula.

It is this seasonality provision in my State's law which I thought might well be required to be nullified if the Senate adopts the amendment proposed by the Finance Committee.

I discussed this situation in great detail with the staff of the Finance Committee and with the Department of Labor. It was my understanding that, as neither the existing Federal unemployment compensation law nor the Finance Committee proposal cover agricultural workers, the pending committee measure would not have any bearing on the Hawaii law's provisions dealing with seasonality of agricultural workers. I was given firm assurance of this by the Labor Department and the Finance Committee.

Nevertheless, to make this absolutely clear, I had planned to engage in a colloquy with the distinguished Senator from Louisiana [Mr. LONG], to establish legislative history and intent that the pending measure was not applicable to the seasonality provisions of Hawaii's law.

However, since my colleague, Mr. INOUYE, has now introduced his amendment, which I think is a good one because it accomplishes the same thing as my planned colloquy would have, I should like to point out the merits of this amendment to the Senate and to clarify its purport and intent.

Mr. LONG of Louisiana. The Senator is exactly right. We do not think that the bill creates the problem the Senator fears. Our true feeling is that the amendment is unnecessary, but if out of an abundance of caution you want it enacted, I have no objection.

Mr. FONG. I am certain that the law does not cover our situation, but to be sure about it, the amendment was introduced. It is, indeed, a clarifying amendment.

I should like to join my colleague, Mr. INOUYE, in sponsoring the amendment to the committee amendment if he will permit me to do so.

Mr. INOUYE. I would be most happy to have my colleague join me.

Mr. President, I ask unanimous consent that the name of my colleague, Mr. FONG, be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment to the committee amendment in the nature of a substitute, offered by the Senator from Hawaii [Mr. INOUYE].

The amendment to the committee amendment, in the nature of a substitute, was agreed to.

Mr. LONG of Louisiana. Mr. President, I ask for the yeas and nays on the committee amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. NELSON. As I understand one part of the amendment, an employee may work for 20 weeks, and as a consequence he would be considered for entitlement of 26 weeks benefits; is that not correct?

Mr. LONG of Louisiana. Yes.

Mr. NELSON. Is there any State in the Nation now which pays unemployment compensation in excess of the number of weeks worked by the employee?

Mr. LONG of Louisiana. Yes, quite a few. Quite a few States have what we call uniform duration, which could exceed the period during which a man is out of work.

Mr. NELSON. Is there any State in the Nation—as I am not sure that I exactly understand what the Senator has just said—which now provides 26 weeks' unemployment compensation based upon 20 weeks of work?

Mr. MORTON. If the Senator will yield to me, in response to his question, my understanding is—and staff will find it—that there are 4 States in the 50 States which pay a longer period of compensation than the base period of employment. I mean, that is subject to correction, of course, but that is my memory of the situation.

Mr. NELSON. I thank the Senator.

Mr. LONG of Louisiana. New York, Vermont, Maryland, and Hawaii presently provide that there would be 26 weeks of unemployment for 20 weeks of employment. Will the Senator please keep in mind that this particular provision is the most inexpensive one in the bill, because most working people have already found another job by the time they have had 6 weeks of unemployment. In other words, contrary to what some folks might think, most working people are looking for another job. A man must work at least 5 months to be covered, and when he is out of a job, he is certainly going to look for another one. Thus, it costs very little to extend the benefit period to 26 weeks.

This particular requirement is the one where more States are out of conformity than any other. But this is the one thing that costs the least money. Therefore, no one is particularly upset about the provision for the 26 weeks because the cost is small.

The other provision, for example, would require that the maximum benefits be as high as 50 percent of the average State wage, and that does cost a substantial amount for the States to put out.

Mr. NELSON. Does the committee have any testimony on how much they anticipate the provision would cost?

Mr. LONG of Louisiana. I will get that cost for the Senator shortly, but the answer is that if they go from 20 weeks to 26 weeks, the cost will be relatively insignificant.

Mr. McCARTHY. It is hardly measurable.

Mr. LONG of Louisiana. Costwise, it is not a material item.

Mr. McCARTHY. It just looks good.

Mr. LONG of Louisiana. For example, in the Senator's State of Wisconsin, it already provides for 28.6 weeks—almost 29 weeks.

Mr. NELSON. Wisconsin has very liberal provisions. In a number of provisions it is among the first in the country. For example, in terms of total weekly benefits, Wisconsin ranks in first place, with California and Hawaii. In some other benefits, such as the length of the period of payment of benefits, we also rank near the top, including what Pennsylvania provides.

Mr. LONG of Louisiana. Wisconsin is the grandfather in this field. When we passed this law in 1935 Wisconsin was the only State that had such a program.

Mr. NELSON. Wisconsin pays maximum benefits, but in order to accumulate those benefits, based on 20 weeks worked. Wisconsin pays 16 weeks of unemployment compensation. Based on 43 weeks worked, it pays benefits of 34 weeks of unemployment compensation. So it ranks among the highest in the Nation, if my statistics are accurate.

Mr. LONG of Louisiana. In Wisconsin it takes 33 weeks of work to get 26 weeks of unemployment benefits. Wisconsin is what we call a variable-duration State.

Mr. NELSON. Let me ask the Senator from Louisiana another question.

Mr. LONG of Louisiana. The State of Wisconsin has been leading the way in this field since the early 1930's. For 30 years it has been leading the way and blazing the trail. It seems to me that eventually somebody might be able to show the State of Wisconsin how to improve the program.

Mr. NELSON. I am just raising the question as to how many States provide more weeks of compensation than weeks of work. The Senator has said four States——

Mr. LONG of Louisiana. Seven States.

Mr. NELSON. Seven States provided more weeks of compensation than weeks worked.

Mr. LONG of Louisiana. But keep in mind that a workingman must have worked 5 months, must be available to work, ready and able to do a day's work, and he must have been out of work for 2 weeks before he applies for benefits. The record is that the average workingman is back on some other job by the time he draws 6 weeks of benefits.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MORTON. The fact remains that 43 States have laws or practices which will have to be changed. In other words, 43 States require that a person has to work for as long as the period for which he will receive unemployment compensation. So if we adopt the committee amendment, and it passes through Congress, it means that 43 States will have to get their State legislatures together, change the law, upset the applecart, and do it this way rather than their way.

Mr. LONG of Louisiana. I would not be very happy about bringing out a bill asking other States to do something if I did not ask my own State to do likewise. The State of Louisiana has just increased its benefits by $5. This bill will require that State to raise its benefits by $5 more. But we will not have to raise any more revenues, because the interest Louisiana is drawing on its trust fund balance brings in enough money to cover the cost. I think that is true of most of the States.

I would be happy to go back to my people of Louisiana and say, "Yes, I voted to pay a workingman $50 instead of $40 when he is out of work. It will not cost Louisiana any tax increase. There is enough money coming in now to take care of it."

With reference to the question of this measure affecting a legislative decision, I would be happy to ask the Louisiana Legislature to raise the standard to treat the working people who are out of employment temporarily a little better. We would probably do it without this law,

but I really know of no one who will be upset by providing this increase in Louisiana. They may be in some other State, but not in my State.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on line 8, page 29, to page 34, line 7, inclusive.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(The VICE PRESIDENT assumed the chair at this point.)

Mr. RUSSELL of South Carolina (when his name was called). On this vote I have a pair with the Senator from Tennessee [Mr. GORE]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], and the Senator from Utah [Mr. MOSS] are necessarily absent.

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Mississippi would vote "nay."

On this vote, the Senator from Alabama [Mr. HILL] is paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Alabama would vote "nay" and the Senator from New Mexico would vote "yea."

On this vote, the Senator from Utah [Mr. MOSS] is paired with the Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from Utah would vote "nay" and the Senator from Oregon would vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Alaska [Mr. BARTLETT]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Alaska would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent. If present and voting, the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from Vermont would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 38, nays 44, as follows:

[No. 176 Leg.]

YEAS—38

Aiken	Inouye	Muskie
Anderson	Javits	Nelson
Bayh	Kennedy, Mass.	Pastore
Boggs	Kennedy, N.Y.	Pell
Brewster	Long, Mo.	Proxmire
Byrd, W. Va.	Long, La.	Randolph
Case	Mansfield	Ribicoff
Clark	McCarthy	Symington
Douglas	McGee	Tydings
Fong	McIntyre	Williams, N.J.
Gruening	Metcalf	Yarborough
Hart	Mondale	Young, Ohio
Hartke	Morse	

NAYS—44

Allott	Hickenlooper	Murphy
Bible	Holland	Pearson
Byrd, Va.	Hruska	Robertson
Cannon	Jackson	Russell, Ga.
Carlson	Jordan, N.C.	Simpson
Church	Jordan, Idaho	Smathers
Cooper	Kuchel	Smith
Cotton	Lausche	Sparkman
Curtis	Magnuson	Stennis
Dirksen	McClellan	Talmadge
Dominick	McGovern	Thurmond
Ervin	Miller	Tower
Fannin	Monroney	Williams, Del.
Griffin	Morton	Young, N. Dak.
Harris	Mundt	

NOT VOTING—18

Bartlett	Ellender	Moss
Bass	Fulbright	Neuberger
Bennett	Gore	Prouty
Burdick	Hayden	Russell, S.C.
Dodd	Hill	Saltonstall
Eastland	Montoya	Scott

So the amendment was rejected.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I offer as an amendment the lines of the committee amendment which appear on page 29, lines 8 through 14.

Mr. KUCHEL. Mr. President, will the Senator yield for a moment before he does that?

Mr. LONG of Louisiana. No.

Mr. President, all this particular amendment would do would be to provide that with 20 weeks of work, there would be 26 weeks of benefit. Most States do not provide that amount of benefits, but the cost is very, very small. Our advice is that the cost of this matter is rather insignificant, because most workingmen are back at work by the time they have drawn 6 weeks of benefits. That is the average period of unemployment.

Most States will have to conform to it, but it really will not cost them much money. The cost is very small, and no State would be required to increase the tax in order to pay it.

I ask for the yeas and nays on this amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask that the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 29, beginning with line 8, insert as subsection (3) the language ending on line 14.

Mr. WILLIAMS of Delaware. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. WILLIAMS of Delaware. We have just voted on that proposal.

Mr. LONG of Louisiana. No, we did not vote on that. We voted on the committee amendments en bloc. I am offering a part of what we voted on.

Mr. WILLIAMS of Delaware. If I recall correctly, we voted on the language beginning on page 29, line 8, down to and including the language on page 34, line 7.

The VICE PRESIDENT. The Senator is correct.

Mr. WILLIAMS of Delaware. As I understand it, the Senator from Louisiana is moving to put back a part of the language which has already been rejected by the Senate.

Mr. LONG of Louisiana. That is correct.

The VICE PRESIDENT. The Senator is correct, but the amendment is in order.

Mr. LONG of Louisiana. I am not offering the same amendment that was voted down. I am offering a part of it, lines 8 through 14.

The VICE PRESIDENT. The Senator from Louisiana is offering a part of the language which was rejected, as a new amendment.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WILLIAMS of Delaware. Mr. President, would it be in order to offer piecemeal the remainder of the language which has just been rejected?

The VICE PRESIDENT. If the Senators wish to offer it piece by piece and line by line, as long as it is offered not in toto, it is in order.

Mr. WILLIAMS of Delaware. As I understand the ruling, even though the Senate has rejected the amendment and reconsidered the vote by which it was rejected, the identical language can again be offered.

The VICE PRESIDENT. The Senate did not reject the amendment of the Senator from Louisiana. The Senate rejected the amendment from line 8 on page 29, through line 7 on page 34.

Mr. WILLIAMS of Delaware. I understand what the Senate did. I understand the ruling of the Chair, but I just want to get it straight because there may be a time when I, too, want to use the same procedure.

I understand that when the amendment has been rejected in toto, by bringing it back piece by piece, in separate parts, one can, in effect, put the whole thing back in again. I wanted to get it clear.

The VICE PRESIDENT. The Senator is right. He is fully respected and protected.

Mr. WILLIAMS of Delaware. I wanted to get that noted.

The VICE PRESIDENT. The question is on agreeing to the committee

amendment, as amended, section (c) on page 29, lines 8 through 14.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUSSELL of South Carolina (when his name was called). On this vote I have a pair with the senior Senator from Tennessee [Mr. GORE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mrs. NEUBERGER], are absent on official business.

I also announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Utah [Mr. MOSS], and the Senator from New Jersey [Mr. WILLIAMS], are necessarily absent.

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Mississippi would vote "nay."

On this vote, the Senator from Alabama [Mr. HILL] is paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Alabama would vote "nay" and the Senator from New Mexico would vote "yea."

On this vote, the Senator from Utah [Mr. MOSS] is paired with the Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from Utah would vote "nay" and the Senator from Oregon would vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Alaska [Mr. BARTLETT]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Alaska would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

On this vote, the Senator from Vermont [Mr. PROUTY], is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from Vermont would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 38, nays 43, as follows:

[No. 177 Leg.]

YEAS—38

Aiken	Inouye	Mondale
Anderson	Jackson	Morse
Bayh	Javits	Muskie
Boggs	Kennedy, Mass.	Pastore
Brewster	Kennedy, N.Y.	Pell
Byrd, W. Va.	Long, Mo.	Proxmire
Case	Long, La.	Randolph
Clark	Magnuson	Ribicoff
Douglas	Mansfield	Symington
Fong	McCarthy	Tydings
Gruening	McGee	Yarborough
Hart	McIntyre	Young, Ohio
Hartke	Metcalf	

NAYS—43

Allott	Hickenlooper	Pearson
Bible	Holland	Robertson
Byrd, Va.	Hruska	Russell, Ga.
Cannon	Jordan, N.C.	Simpson
Carlson	Jordan, Idaho	Smathers
Church	Kuchel	Smith
Cooper	Lausche	Sparkman
Cotton	McClellan	Stennis
Curtis	McGovern	Talmadge
Dirksen	Miller	Thurmond
Dominick	Monroney	Tower
Ervin	Morton	Williams, Del.
Fannin	Mundt	Young, N. Dak.
Griffin	Murphy	
Harris	Nelson	

NOT VOTING—19

Bartlett	Fulbright	Prouty
Bass	Gore	Russell, S.C.
Bennett	Hayden	Saltonstall
Burdick	Hill	Scott
Dodd	Montoya	Williams, N.J.
Eastland	Moss	
Ellender	Neuberger	

So the amendment of Mr. LONG of Louisiana was rejected.

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, I move that the Senate stand in adjournment.

The VICE PRESIDENT. Adjourn until when?

Mr. LONG of Louisiana. Monday.

Mr. HOLLAND. Mr. President, I move to reconsider the vote.

The VICE PRESIDENT. The motion to adjourn is not debatable and takes precedence.

Mr. WILLIAMS of Delaware. What was the motion?

Mr. KUCHEL. I ask for a record vote.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. When do we adjourn to?

The VICE PRESIDENT. Until noon Monday.

The question is on agreeing to the motion of the Senator from Louisiana.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Utah [Mr. MOSS], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Alabama [Mr. HILL] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mrs. NEUBERGER] would each vote "yea."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Mississippi would vote "nay."

On this vote, the Senator from Tennessee [Mr. GORE] is paired with the Senator from Alabama [Mr. HILL]. If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Alabama would vote "nay."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Utah would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

The result was announced—yeas 42, nays 39, as follows:

[No. 178 Leg.]

YEAS—42

Anderson	Jackson	Monroney
Bayh	Javits	Morse
Bible	Kennedy, Mass.	Muskie
Brewster	Kennedy, N.Y.	Nelson
Case	Long, Mo.	Pastore
Church	Long, La.	Pell
Clark	Magnuson	Proxmire
Douglas	Mansfield	Randolph
Fong	McCarthy	Ribicoff
Gruening	McGee	Smathers
Harris	McGovern	Symington
Hart	McIntyre	Tydings
Hartke	Metcalf	Yarborough
Inouye	Mondale	Young, Ohio

NAYS—39

Aiken	Griffin	Pearson
Allott	Hickenlooper	Robertson
Boggs	Holland	Russell, S.C.
Byrd, Va.	Hruska	Russell, Ga.
Byrd, W. Va.	Jordan, N.C.	Simpson
Carlson	Jordan, Idaho	Smith
Cooper	Kuchel	Sparkman
Cotton	Lausche	Stennis
Curtis	McClellan	Talmadge
Dirksen	Miller	Thurmond
Dominick	Morton	Tower
Ervin	Mundt	Williams, Del.
Fannin	Murphy	Young, N. Dak.

NOT VOTING—19

Bartlett	Ellender	Neuberger
Bass	Fulbright	Prouty
Bennett	Gore	Saltonstall
Burdick	Hayden	Scott
Cannon	Hill	Williams, N.J.
Dodd	Montoya	
Eastland	Moss	

So the motion of the Senator from Louisiana [Mr. LONG] was agreed to; and (at 2 o'clock and 10 minutes p.m.) the Senate adjourned until Monday, August 8, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 5 (legislative day of August 3), 1966:

U.S. ATTORNEY

James P. Alger, of Guam, to be U.S. attorney for the district of Guam for the term of 4 years. (Reappointment.)

IN THE ARMY

The following-named person for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be major

Wilkins, Arthur L., O37438.

The following-named person for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3292:

To be first lieutenant, Judge Advocate General's Corps

Armstrong, Henry J. (Inf), OF101874.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288:

To be majors

Davis, Donzelle, O1932303.
Jarvis, John R., O945672.
Jurling, Darrell D., O2021743.
Lewis, Wrightson, O2265511.
Moreau, Donald M., O1932321.
Nelson, Lennart N., O2201763.
Palmer, Thomas C., O1924823.
Parlas, Joseph L., O1935283.
Stecher, William F., Jr., O1873575.
Vivaldi, Joseph R., O1872715.

To be captains

Alhouse, Robert D., O5405282.
Allen, Frank C., O5308574.
Beaty, William E., O1937941.
Berestecky, Boreslow P., O5203000.
Bishop, Noyes S., Jr., O5405456.
Cain, Moses A., O5204966.
Cary, Jack R., O5307444
Casey, Andrew M., O5304186.
Donohue, Edward J., Jr., O5201202.
Easom, Earnest E., O5310869.
Ervin, Clarence H., O5404111.
Glover, Leo M., O5405052.
Hannon, James D., O4031144.
Kidd, James L., O5304226.
LaFon, Leslie C., Jr., O4026686.
Lamb, Thomas L., O1942369.
Lewis, John H., Jr., O5204982.
Logan, Abraham T., O5307932.
Manbeck, Jackie L., O5401450.
Maxwell, John C., O4026942.
Mayhew, William B., O4045273.
Moeller, Gene L., O4013173.
Murkison, Eugene C., O5306238.
Pettit, Ernest G., O4031172.
Pimental, Rodney A., O5304499.
Rasmussen, Richard K., O5509792.
Rybat, Edward S., O4031013.
Sinclair, Bobby H., O5402539.
Smith, Patrick O., O4010960.
Snoddy, George R., O5404112.
Spencer, Charles A., O4012427.
Taranto, Monroe J., O5507836.
Taylor, Willie M., O4026390.
Tetreault, Raymond J., O5405499.
Vemity, Charles G., O4046472.
Youree, James F., O5303943.

To be first lieutenants

Arnette, Ben S., Jr., O5313415.
Baldwin, Larry D., O5709587.
Barber, John T., O5308980.
Barnes, Michael V., O5412782.
Benning, Robert M., O5318313.
Bradford, Robert F., O5014024.
Branch, William A., O5319113.
Byrne, Alan H., O5511065.
Carter, Lewis L., O5309852.
Christoffer, Fred, Jr., O5017360.
Church, Douglas R., O5317648.
Ebersole, Richard A., O5318163.
Floody, Harold V., Jr., O5010888.
Foster, Nathaniel W., O5221959.
Gregory, Wilbur T., O5017780.
Hamilton, Thomas R., O5412332.
Hanke, James S., O5514165.
Hern, Jay R., O5011404.
Hocking, John W., O5514940.
Hood, Harvey R., II, O5406146.
Johnson, Raiman K., O5015623.
Kaiser, Jan L., O5317587.
Kallam, Luther P., Jr., O5315225.
Knox, Allen N., O5007562.
Kostoff, John T., O5212130.
London, Leroy, Jr., O5318529.
Morales, Angel L., O5826265.
Nugent, John H., O5011311.
Patin, Jude W. P., O5413784.
Patriquin, Redmond L., O5314493.
Poindexter, Alonzo J., O5414190.
Richter, William D., O5312193.
Ridick, John A. V., O5012070.
Sherburn, John H., O2308580.
Stanfield, Howard S., O5413472.
Taylor, Donald R., O5530256.
Van Orden, James T., Jr., O5008475.
Vollrath, Frederick E., O5317316.
Warner, Westford D., O5319233.
Wells, William L., O5708074.
Wilson, Ronald D., O5405963.
Wylie, Edgar L., O5317688.

To be second lieutenants

Bachman, James H., O5530590.
Barrett, Robert E., O5406534.
Benge, Holmes D., O5416209.
Carawan, Larry B., O5318994.
Chandler, Nicholas L., O5019528.
Ciarlo, Fred H., O5419604.
Cole, Robert G., Jr., O5417947.
Daugherty, Joseph P., O5417001.
Falkenrath, James H., O5531493.
Fiebig, Heinz, O5325405.
Fuks, Joseph A., O5532580.
Giroux, Ronald V., O53326227.
Haerter, Frederick A., O5534286.
Hill, Augustyne V., Jr., O5419773.
McCaslin, James P., O5418978.
McNaughton, Peter J., O5533292.
Michael, Charles B., O5325136.
Mooneyham, John D., O5417029.
Myers, Carl W., O5221583.
Nunemaker, John E., O5213057.
Peters, Stephen F., O5419654.
Reilly, Timothy B., O5225489.
Rhinehart, Harry J., O5322313.
Robisson, Arthur C., O5223401.
Schmidt, Ernest R., O5406695.
Sheehan, Richard F., O5014385.
Taylor, Herbie R., O5416212.
Trimble, William L., O5019664.
Van Steenburg, Robert, III, O5321081.
Walker, Richard B., O5532660.
Zana, Donald D., O5226817.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3290, 3291, 3292, 3294, and 3311:

To be lieutenant colonel, Medical Corps

Santos, George C., O1928268.

To be major, Women's Army Corps

Rossi, Lorraine A., L1010641.

To be captains, Army Nurse Corps

Pavlakovic, Dorothy D., N3008479.
Rasmussen, Doris S., N2297648.

To be captains, Dental Corps

Bole, Charles T., II, O2300469.
Griswold, William H., O5223837.
Hobaugh, Don C., O5220045.
Leslie, Donald B., O5518981.

To be captains, Judge Advocate General's Corps

Benson, Daniel H., O2305931.
Davies, David C., O2304961.

To be captains, Medical Corps

Barbier, Arthur G., O5525227.
Burkebile, David L., O5711466.
Colwell, Edward J., O5220243.
Cottingham, Andrew J., Jr., O5315616.
Crews, Richard L., O5711572.
Crosier, Joseph L., O5227618.
Dunker, Richard B., O2309378.
Harding, Roger F., O5708783.
Hunt, Keith K., Jr., O5205096.
Knapp, Stanley C., Jr., O5708896.
Leazure, Jerry A., O5400390.
McPhail, Schubert D., O5307620.
Morgan, Daniel D., Jr., O5021670.
Pozelnik, Louis S., O2309263.
Schatzman, Ronald C., O3041438.
Schuchmann, George F., O2313073.
Shaver, Glyndon B., Jr., O5319610.
Sutton, Charles A., O5315738.
Young, John G., O5227890.

To be first lieutenant, Army Nurse Corps

Ehrhart, Marjorie K., N2320797.

To be first lieutenants, Judge Advocate General's Corps

Devlin, Terrence E., O2316283.
Murphy, Eugene W., Jr., O2322214.
Van Meter, George E., O4074339.
Zimmerman, Park T., O5535133.

To be first lieutenants, Medical Corps

Barlow, Matthew J., Jr., O2320685.
Bobbitt, Ralph C., O2320687.
Bunn, Simon M., Jr., O2316915.
Burton, Francis C., Jr., O2316755.
Carmichael, Benjamin M., O2320723.
Farnsworth, Lynn S., O2316825.
Glick, Benjamin, O2316823.
Howard, William B., O2316831.
Jacobson, Eric S.
Kennedy, Charles W., Jr., O5412604.
Kromash, Marvin H., O5212888.
Latham, George, H., O5408740.
Master, Franklin D.
McCracken, Joseph D., O2316767.
Nelson, Kenneth E., O2316957.
Raque, Carl J., O2320789.
Spritzer, Harlan W., O2320680.
Stroud, Michael B., O2316741.
Whitelaw, John M., Jr., O2316834.

To be first lieutenants, Medical Service Corps

Palmer, William W., Jr., O5412347.
Stutz, Douglas R., O5510467.
Williams, Charles, O5313950.

To be first lieutenants, Veterinary Corps

Coats, Max E., Jr., O2312738.
Polk, Harry H., O2320984.

To be second lieutenant, Army Medical Specialist Corps

Green, Priscilla A., M2317310.

To be second lieutenant, Army Nurse Corps

Abelite, Mara, N5519529.

To be second lieutenants, Medical Service Corps

Camden, Harry C., O2316530.
Cook, Richard E., O5531621.
Parmer, Bert E., O2317420.
Ressdorf, Horst, O2320370.

To be second lieutenants, Women's Army Corps

Clark, Doris M., II, L2316303.
Roberts, Janice I., L5322596.

The following-named distinguished military student for appointment in the Judge Advocate General's Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3292:

Jones, Walter H., Jr.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Coppin, David F.
Crawford, John L., III
Gorsky, Rudolph J., Jr.
Herndon, Michael E.
Lavigne, Jeffrey E.
Rasmussen, Lynn W.
Tuttle, Josef E.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, and 3288:

Ahlum, William J.
Ames, Orrin K., III
Ammon, Richard W.
Aronow, William F.
Ashcraft, Jack G.
Auger, John D.
Barczak, Robert A.
Battles, James E.
Baylor, Ross G.
Bement, Danny B.
Beshore, David F.
Bigbie, Samuel H., Jr. O5332503.
Binau, Otto J.
Braudaway, Jessie A.
Briggs, Chester E., III
Brown, David J.
Brummer, William J.
Bullock, Howard R.
Burnett, Ira S.
Burns, Kennith R.
Burns, Terry L.
Bush, Joseph K., Jr.
Calmes, James G.
Castro, Albert C.
Chase, Charles C., Jr.
Clirehugh, Robert W., Jr.
Cloud, Stephen J.
Cooper, Wayne D. O5332707
Cornutt, Howard L., Jr.
Corrigan, Edward T., Jr.
Crocker, Larry D.
Curl, Terry W.
Denney, Michael E.
Devlin, Edward T., Jr.
Dionne, Wayne C.
Drummond, William T.
Duell, Norbert C.
Dunton, John T., Jr.
Eckelman, Arnold J.
English, Ronald W.
Epps, Joseph E.
Fincke, Dale E.
Fletcher, Jeffrey D.
Flores, Thomas V., Jr.
Fors, Carl E.
Friesner, Wayne L.
Galanti, David M.
Geraghty, John J.
Gillespie, Richard E.
Goggans, Milton E.
Goto, Victor M.
Gray, Thomas W.
Gregg, Maurice R.
Gross, Waymon G.
Haas, Allen J.
Hamner, George F., Jr.
Hancock, Thomas E.
Handberg, Roger B., Jr.
Harding, Michael J.
Hare, Anthony J.
Hargraves, Walter A., Jr.
Harinck, Allen V.
Harrison, Klien S.
Hedgpeth, Dale L.
Henderson, David L., II
Hilt, Robert J.
Hostrawser, William B.
Hughes, John R., Jr.
James, John C.
Janecek, Paul W.
Johnson, Gerard V.
Jones, Francis E.
Jones, Jerry L.
Kennedy, Robert J., III
Kennemer, Larry C.
King, Kasey K.
Kirk, James W.
Komar, Robert T.
Lane, Roderick L., III
Lauer, Ronald A.
Levine, Alan B.
Link, Robert J., Jr.
Long, Robert K.
Malanowski, Richard J.
Malloy, Michael
Matthews, Warren T.
May, Roy L.
Mayo, Charles E.
McArthur, James L.
McCarthy, Jeffrey C.
McClure, James M.
McDermott, Michael A.
McDonald, Allen K.
McLenahan, Thomas G., Jr.
Meier, Jimmy A.
Metzger, Michael J.
Miller, William G.
Minser, William G., III
Moerls, John M., O5421702
Moormann, Joseph C.
Niedermeyer, Glenn J.
Nowak, Norbert
O'Donnell, William T.
Park, David J.
Parkes, James J.
Pelton, James O.
Penland, Robert T.
Peters, LeRoy R.
Phillip, Joseph P.
Pollock, Frederick K.
Prather, William W.
Pursley, Charles N., Jr.
Rainbolt, Michael T.
Reese, David G.
Sanderson, Robert W.
Sanz, Donald L.
Sarlin, Raymond W.
Scherer, Robert J.
Schimpf, Roger L.
Segesman, Ben R.
Shelton, Donald E.
Sherman, Stephen A.
Sherrill, James E.
Smith, Cyril J.
Smith, Kent M.
Stackrow, Robert J.
Stacy, Aubrey B.
Stephens, L. Dale
Strange, Robert G.
Strye, James W.
Stryker, Thomas E.
Sullivan, Dennis M.
Sumera, Ronald R.
Sutton, James C.
Takahashi, Daniel T.
Tanner, John S.
Tatum, Howard R.
Taylor, David G.
Taylor, George L., Jr.
Toepel, John A., Jr.
Trzupek, Eugene W.
Van Denburgh, Roy W.
Vasilion, Pete G.
Waltman, Owen L., Jr.
Way, Richard E.
Webb, George A., Jr.
Witt, Kay B.
Wojciechowski, Henry J.

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Ruth O. Ware, Emerson, Ark., in place of W. P. Nash, Jr., resigned.

CALIFORNIA

Edythe E. Gollar, Greenview, Calif., in place of Mabel Whipple, retired.

E. Eugene Henry, Huntington Park, Calif., in place of G. J. Nevin, deceased.

Jimalou J. Wyman, Lakeview, Calif., in place of J. A. Marsh, retired.

Harry V. Wiley, La Mesa, Calif., in place of C. J. Lehew, retired.

Arthur C. Stuart, Mount Laguna, Calif., in place of R. M. Stuart, retired.

John F. Sheehy, South Gate, Calif., in place of H. B. Lull, retired.

Carl A. Tice, Yorba Linda, Calif., in place of D. W. Cromwell, resigned.

CONNECTICUT

Robert S. Sinkowitz, Voluntown, Conn., in place of W. L. Liberty, retired.

FLORIDA

A. Gerald Cayson, Blountstown, Fla., in place of C. E. Yon, resigned.

Thomas H. Brown, Jupiter, Fla., in place of G. E. Southard, retired.

Willie A. Perry, Tallevast, Fla., in place of F. S. Perry, retired.

GEORGIA

J. Derrell Weaver, Norman Park, Ga., in place of A. C. Curtis, Jr., deceased.

Bradwell H. Floyd, Plainville, Ga., in place of C. A. Bennett, retired.

Rubie R. Raulerson, St. George, Ga., in place of V. M. Roberts, retired.

HAWAII

Gunichi Takahashi, Waialua, Hawaii, in place of Kenichi Oumi, retired.

ILLINOIS

Lois A. Woods, Dahinda, Ill., in place of K. M. Mosher, transferred.

William Lippert, Washington, Ill., in place of J. W. Norris, retired.

INDIANA

Harry S. Young, Bloomfield, Ind., in place of C. F. Henderson, retired.

IOWA

Arne W. Eriksen, Alta, Iowa, in place of D. E. Castle, retired.

Paul W. Gannon, Colfax, Iowa, in place of R. O. Woods, retired.

Gerald R. Brummer, Crescent, Iowa, in place of G. E. McMullen, retired.

Donald C. Logue, Cumberland, Iowa, in place of LeVerne Riggs, retired.

William A. Hartgenbush, Schaller, Iowa, in place of W. A. Keenan, retired.

KANSAS

George W. Kohls, Herrington, Kans., in place of J. B. Doyle, retired.

KENTUCKY

Carl R. Lair, Monticello, Ky., in place of T. C. Powell, retired.

LOUISIANA

Geneva S. Mims, Garden City, La., in place of C. C. Badeaux, retired.

Katheryn L. King, Greenwood, La., in place of M. V. Bryson, retired.

MASSACHUSETTS

Robert R. DeForge, Agawam, Mass., in place of M. E. Brady, retired.

Arnold D. Hall, East Otis, Mass., in place of I. E. Hall, retired.

John V. Joyce, Holden, Mass., in place of D. F. McAuliffe, retired.

William P. Callahan, North Dighton, Mass., in place of J. E. Williams, retired.

Joseph G. Moitozo, Rehoboth, Mass., in place of C. O. Swanson, retired.

Robert D. Rudden, South Dennis, Mass., in place of C. W. Bayles, retired.

MICHIGAN

Pauline L. Coon, Alba, Mich., in place of A. L. Shepard, retired.

Leo R. Buckler, Glen Arbor, Mich., in place of E. L. Grady, retired.

MINNESOTA

Odell L. Agre, Sacred Heart, Minn., in place of A. O. Skalbeck, retired.

Alexander J. Winkels, Stewartville, Minn., in place of M. R. Tysseling, retired.

Marion A. Kennedy, Walker, Minn., in place of M. J. McGarry, retired.

MISSOURI

James E. Sewell, Everton, Mo., in place of M. L. Newkirk, transferred.

MONTANA

Roy C. Hogenson, Wilsall, Mont., in place of G. H. Gregg, resigned.

NEVADA

Geraldine E. Cooper, Weed Heights, Nev., in place of M. M. Curtis, retired.

NEW YORK

Mary J. Donato, Dewittville, N.Y., in place of I. R. Chapman, retired.

Aloys V. Smith, Garnedville, N.Y., in place of C. J. Jones, retired.

Mary C. Berger, Grafton, N.Y., in place of H. P. Cooper, retired.

Marwood S. Myer, Haines Falls, N.Y., in place of W. M. Lowerre, retired.

C. Ross McCluskey, Hopewell Junction, N.Y., in place of Catherine Whalen, deceased.

Marian G. Flugel, Morton, N.Y., in place of T. G. Spring, retired.

Ethel W. Andrus, Silver Bay, N.Y., in place of E. G. Watts, removed.

Anthony Maiorano, West Haverstraw, N.Y., in place of Napoleon Ponessa, retired.

Paul J. Ennis, West Henrietta, N.Y., in place of Margaret Ely, retired.

NORTH CAROLINA

Mary M. Harris, New London, N.C., in place of James Napier, resigned.

NORTH DAKOTA

Dale E. Brayton, Hunter, N. Dak., in place of Elmer Knorr, retired.

Dorothy E. Stringer, Tower City, N. Dak., in place of E. J. Griffin, retired.

OHIO

Leonard B. Alt, Genoa, Ohio, in place of H. R. Sherk, Sr., deceased.

Robert C. Chapman, Mount Gilead, Ohio, in place of C. S. Gladden, retired.

Norbert J. Huber, North Star, Ohio, in place of E. M. Gavitt, retired.

Raynor V. Burcham, Proctorville, Ohio, in place of L. M. Collins, retired.

T. Faye Kughler, Stone Creek, Ohio, in place of C. C. Schumacher, retired.

Donald R. Deem, Tuscarawas, Ohio, in place of R. M. Crites, retired.

OKLAHOMA

Doris E. Steverson, Fort Cobb, Okla., in place of D. L. Ratliff, removed.

Clarence D. Niblett, Hastings, Okla., in place of H. B. Melton, retired.

OREGON

Edward I. Taylor, North Powder, Oreg., in place of R. E. Smith, transferred.

Vergie M. Magnuson, Warrenton, Oreg., in place of R. G. Magnuson, deceased.

PENNSYLVANIA

Florence M. Hannan, Bradfordwoods, Pa., in place of N. D. Mashey, retired.

Alvin C. Brady, East McKeesport, Pa., in place of S. H. Ward, retired.

Clifford P. Wenhold, Milford Square, Pa., in place of R. S. Weiss, deceased.

PUERTO RICO

Cesar A. Perales, St. Just, P.R., in place of B. A. Ramos, retired.

RHODE ISLAND

John C. Talbot, West Warwick, R.I., in place of C. W. Lambert, deceased.

SOUTH CAROLINA

Hortense W. Cole, Cross Hill, S.C., in place of J. A. Richardson, retired.

John J. Ward, Darlington, S.C., in place of F. B. Bynum, retired.

SOUTH DAKOTA

Frederick B. Vaske, Elkton, S. Dak., in place of Jane Dunn, retired.

Alyce A. Schroeder, Wentworth, S. Dak., in place of J. D. Ulmer, retired.

TENNESSEE

Joe M. Fondren, Arlington, Tenn., in place of M. A. Moore, retired.

Elaine L. Bush, Cedar Grove, Tenn., in place of J. T. Coffman, transferred.

Thomas A. Henson, Cowan, Tenn., in place of O. B. Sloan, retired.

Fred R. Lockett, Jr., Johnson City, Tenn., in place of C. M. Guffey, retired.

Frank W. Greer, Pegram, Tenn., in place of H. B. Payne, deceased.

TEXAS

Bennie R. Vick, Conroe, Tex., in place of O. G. Williams, retired.

Bobby J. Bonner, Palmer, Tex., in place of H. B. Copeland, retired.

VERMONT

Ralph G. Aulis, Norwich, Vt., in place of H. F. McKenna, retired.

VIRGINIA

Dorothy C. Lewis, Mappsville, Va., in place of N. B. Chase, retired.

WASHINGTON

Genevieve F. Tapscott, Packwood, Wash., in place of S. T. Combs, retired.

WEST VIRGINIA

Robert L. Pullen, Sutton, W. Va., in place of B. F. Randolph, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 5 (legislative day of August 3), 1966:

U.S. ARMY

1. The following-named officers for temporary appointment in the Army of the United States, to the grade indicated, under the provisions of title 30, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. John MacNair Wright, Jr., O23057, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Runyan Linvill, O40305, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ellis Warner Williamson, O34484, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Paul Francis Smith, O33169, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Riis Ploger, O21760, Army of the United States (colonel, U.S. Army).

Brig. Gen. William McGregor Lynn, Jr., O21120, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Lafayette Mabry, Jr., O34047, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Frank Milton Izenour, O21263, Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward Paul Smith, O22063, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Alexander McChristian, O21966, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Joe Seitz, O33979, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Ray Williams, O22962, Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard Pearson, O44466, Army of the United States (colonel, U.S. Army).

Brig. Gen. Olinto Mark Barsanti, O34037, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Melvin Zais, O33471, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Henry Free, O22926, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Dickson Miller, O21270, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank George White, O21378, U.S. Army.

Brig. Gen. Howard Wilson Penney, O22917, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Gray O'Connor, O21088, Army of the United States (colonel, U.S. Army).

Brig. Gen. Clarence Joseph Lang, O40705, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Richard Thomas Knowles, O35418, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Joseph Hayes, O32309, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Philip Seneff, Jr., O23738, Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter Evans Brinker, O21776, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elias Carter Townsend, O31680, U.S. Army.

Brig. Gen. Joseph Miller Heiser, Jr., O43773, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer Hugo Almquist, Jr., O24228, Army of the United States (colonel, U.S. Army).

Brig. Gen. Shelton E. Lollis, O32575, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hal Dale McCown, O23532, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Carroll Case, O43824, Army of the United States (colonel, U.S. Army).

Brig. Gen. Lloyd Hilary Gomes, O21353, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Henderson Scott, Jr., O23030, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leonard Copeland Shea, O20231, U.S. Army.

Brig. Gen. Kelley Benjamin Lemmon, Jr., O20816, U.S. Army.

Brig. Gen. Raymond Leroy Shoemaker, Jr., O22978, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Edmondston Coffin, O25234, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Keith Boles, Jr., O22025, Army of the United States (colonel, U.S. Army).

Brig. Gen. Stephen Wheeler Downey, Jr., O22649, Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Wilson Collins, O22169, Army of the United States (colonel, U.S. Army).

Brig. Gen. Osmund Alfred Leahy, O23106, Army of the United States (colonel, U.S. Army).

Brig. Gen. Wilson Maxwell Hawkins, O22737, Army of the United States (colonel, U.S. Army).

Brig. Gen. David Stuart Parker, O22907, Army of the United States (colonel, U.S. Army).

Brig. Gen. Horace Greeley Davisson, O20650, Army of the United States (colonel, U.S. Army).

Brig. Gen. Francis Johnstone Murdoch, Jr., O19853, U.S. Army.

Brig. Gen. Ward Sanford Ryan, O21339, Army of the United States (colonel, U.S. Army).

Brig. Gen. Wesley Charles Franklin, O45565, Army of the United States (lieutenant colonel, U.S. Army).

2. The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, secs. 3284 and 3306:

To be brigadier generals

Brig. Gen. Horace Greeley Davisson, O20650, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Gray O'Connor, O21088, Army of the United States (colonel, U.S. Army).

Brig. Gen. William McGregor Lynn, Jr., O21120, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jefferson Johnson Irvin, O21217, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Milton Izenour, O21263, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Dickson Miller, O21270, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ward Sanford Ryan, O21339, Army of the United States (colonel, U.S. Army).

Brig. Gen. Lloyd Hilary Gomes, O21353, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Runyan Linvill, O40305, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Miller Heiser, Jr., O43773, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Carroll Case, O43824, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Joseph Hayes, O32309, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Riis Ploger, O21760, Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter Evans Brinker, O21776, Army of the United States (colonel, U.S. Army).

Brig. Gen. John William Dobson, O21851, Army of the United States (colonel, U.S. Army).

Brig. Gen. Livingston Nelson Taylor, O21853, Army of the United States (colonel, U.S. Army).

Brig. Gen. Roger Merrill Lilly, O21924, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Alexander McChristian, O21966, Army of the United States (colonel, U.S. Army).

Brig. Gen. Phillip Buford Davidson, Jr., O21960, Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter Martin Higgins, Jr., O21987, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Keith Boles, Jr., O22025, Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward Paul Smith, O22063, Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Wilson Collins, O22169, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Merle Fondren, O32481, Army of the United States (colonel, U.S. Army).

Brig. Gen. Stephen Wheeler Downey, Jr., O22649, Army of the United States (colonel, U.S. Army).

Brig. Gen. Shelton E. Lollis, O32575, Army of the United States (colonel, U.S. Army).

Brig. Gen. Wilson Maxwell Hawkins, O22737, Army of the United States (colonel, U.S. Army).

Maj. Gen. Patrick Francis Cassidy, O32809, Army of the United States (colonel, U.S. Army).

Brig. Gen. Howard Wilson Penney, O22917, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Henry Free, O22926, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Ray Williams, O22962, Army of the United States (colonel, U.S. Army).

Maj. Gen. Henry Augustine Miley, Jr., O22993, Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald Vivian Bennett, O23001, Army of the United States (colonel, U.S. Army).

Brig. Gen. John MacNair Wright, Jr., O23057, Army of the United States (colonel, U.S. Army).

Brig. Gen. Roderick Wetherill, O23158, Army of the United States (colonel, U.S. Army).

Maj. Gen. Leland George Cagwin, O23200, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Thomas Cassidy, O23213, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Milton Hightower, O23531, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hal Dale McCown, O23532, Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles Pershing Brown, O23544, Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Howard Bayer, O23551, Army of the United States (colonel, U.S. Army).

Maj. Gen. William Bradford Rosson, O23556, Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles Vincent Wilson, O23564, Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard Pearson, O44466, Army of the United States (colonel, U.S. Army).

IN THE MARINE CORPS

The nominations beginning Richard J. Tipton, to be second lieutenant, and ending Earl K. Ziegler, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 25, 1966.

IN THE NAVY AND MARINE CORPS

The nominations beginning Peter J. Leniart, to be ensign in the Navy, and ending Michael L. Layson, to be second lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 25, 1966.

HOUSE OF REPRESENTATIVES

FRIDAY, AUGUST 5, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

You are the light of the world.—Matthew 5: 14.

Eternal God, our Father, spirit of light and life, in this day of distress, in this world of suffering and sorrow we would purify our own hearts as we face the high responsibilities and great demands committed to our care and to our attention this day. Let our littleness be swallowed up in Thy greatness, our pettiness in Thy pursuing presence, and our trite criticisms in Thy triumphant spirit.

Before the altar of prayer we bow, confessing our faults, asking Thy forgiveness, and praying that Thou will give us strength and wisdom that in these days we fail not man nor Thee. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

TO AMEND THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS TO PROVIDE FOR THE REAPPORTIONMENT OF THE LEGISLATURE OF THE VIRGIN ISLANDS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13277) to amend the Revised Organic Act of the Virgin Islands to provide for the reapportionment of the Legislature of the Virgin Islands, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, O'BRIEN, ROGERS of Texas, SAYLOR, and MORTON.

The SPEAKER. The Chair promised to recognize the gentleman from Illinois [Mr. MCCLORY].

EYES OF THE NATION WILL BE FOCUSED ON A HISTORIC WEDDING IN OUR CAPITAL CITY OF WASHINGTON

Mr. MCCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MCCLORY. Mr. Speaker, tomorrow, August 6, 1966, the eyes of the Nation will be focused on a historic wedding being celebrated here in our Capital City of Washington, when Luci Baines Johnson, younger daughter of President and Mrs. Lyndon Baines Johnson, becomes the bride of Patrick J. Nugent, younger son of Mr. and Mrs. Gerard Nugent, of Waukegan, Ill. May I add that it is also a historic day for the 12th District of Illinois, wherein Waukegan is the largest metropolitan center.

Many people are saying or thinking that Pat Nugent is a lucky young man to be marrying the attractive daughter of the President and Mrs. Johnson—and indeed he is. I would suggest also that Luci is a fortunate young lady to become the bride of Pat Nugent, this tall, handsome, and serious-minded young man from Waukegan.

Pat Nugent comes from a family and background that characterize the very best that is American. Strong family ties, reliance upon spiritual values, longtime and loyal friendships, unwavering devotion to decency and to honorable goals attainable in a free society—these and other qualities constitute the real makeup of Pat Nugent and his family.

More than 100 close relatives and friends of the Nugent family, mostly from Waukegan and other nearby points, are in Washington for the wedding and prenuptial events. Speaking on behalf of Mrs. McClory and myself, and with your permission, Mr. Speaker, on behalf of the membership of this House, I extend a warm and cordial welcome to all of them. Many will join Mrs. McClory and me this evening in our home at a 12th District open house.

Let me add my praise of the dignified and appropriate demeanor of Luci Johnson and Pat Nugent and their families during this prenuptial period, culminating in the ceremony and reception tomorrow. The modesty, simplicity, and absence of fanfare that has prevailed is most commendable.

I congratulate the bride- and groom-to-be, and all of the others who have contributed to make their wedding day the happy beginning of a long and successful marriage.

CHAIRMAN WRIGHT PATMAN CELEBRATES BIRTHDAY, AUGUST 6

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I rise today to congratulate and extend best wishes to the chairman of the House Banking and Currency Committee, the gentleman from Texas, the Honorable WRIGHT PATMAN, who will celebrate his 73d birthday tomorrow.

The distinguished gentleman from Texas was elected to the 71st Congress in 1928, and it is eloquent testimony to his public service that he has been elected to every succeeding Congress. Over the span of years, with courage and vigilance, with honesty and dedication, he has protected the best interests of the people of America.

It has been a privilege as well as an honor for me to serve, as I have for the past 19 months, on the Banking and

Currency Committee under such an outstanding chairman. Mr. PATMAN is an acknowledged authority in the money and banking field and his accomplishments in this area are admirable.

To my knowledge, no man has done more to advocate the cause of reasonable interest rates for the American people than Chairman PATMAN.

He has fought tirelessly throughout his years in Congress on behalf of credit unions and has succeeded in strengthening the credit union system in America.

I feel he has done more for small business than any other man in this country. He has consistently supported antitrust laws and thus has enabled small business to survive and compete effectively with big business.

Chairman PATMAN spearheaded the drive that led to endorsement of credit unions on all military bases and the end of loan-shark and sharp-practice finance company abuses directed against our servicemen.

Mr. PATMAN'S goal has always been a monetary system with an adequate money supply designed to meet the needs of the economy and of our people. The little people of America look to WRIGHT PATMAN to protect their interests, and he has never let them down. He has been the champion of their cause, and I have been privileged to follow his lead in advocating this just cause.

His wise counsel and guidance have been inspirational to me, and I know that WRIGHT PATMAN will rank in history as one of the greatest legislative leaders of all times.

May he have good health and many more happy birthdays so that he can continue in the service of the people for many, many years to come.

GENERAL LEAVE TO EXTEND

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission to revise and extend their remarks and include extraneous matter on the bill H.R. 14765.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 200]

Anderson, Tenn.	Fulton, Tenn.	Olson, Minn.
Ashley	Goodell	Powell
Battin	Griffiths	Rogers, Tex.
Celler	Hanna	Teague, Tex.
Cramer	Hansen, Iowa	Toll
Curtin	Hungate	Ullman
Dague	Karth	Watkins
Dow	Keogh	Willis
Evins, Tenn.	King, N.Y.	
Fino	McEwen	
Ford, William D.	Martin, Mass.	
	Morrison	
	Murray	

The SPEAKER. On this rollcall, 398 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONGRESS HAS FAILED TO DO ITS DUTY IN PROTECTING THE PEOPLE AGAINST EXORBITANT INTEREST RATES AND COST; IT HAS PERMITTED FEDERAL DEBTS TO ACCUMULATE AT ROBBERY INTEREST RATES THAT ARE TREMENDOUSLY BURDENSOME TO THE PEOPLE; IT HAS PERMITTED FEDERAL RESERVE TO CONTINUE ITS SEIZED INDEPENDENCE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, at the end of the proceedings today I have a statement in this issue of the RECORD concerning the interest burden that is being forced upon the people, the Federal Government, and other governments by the Federal Reserve System.

The Federal Reserve's claimed independence is a fake. It is resulting in unmercifully robbing the people and placing burdens upon them which they cannot bear and, at the same time, enjoy a proper standard of living.

If the interest rates had not been increased to astronomical proportions in recent years and had been held to the 20-year level preceding 1953, we would have saved $60 billion during this time in existing interest charges that have been collected on the national debt. Our national debt would be $60 billion less today. In addition, if the Federal Reserve had canceled the Government obligations, which it holds when they were paid for, our national debt would be $42 billion less today.

So, here is $102 billion that the American people are being compelled to pay interest on that is not justly due.

The mystery is why would the Congress of the United States permit such outrageous swindles?

THE FARMER IS GETTING NOTHING FOR SOMETHING

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I rise to laud the action being taken by Secretary of Agriculture, Orville Freeman, to find out "where the money went." We all know that the price of consumer foodstuff items, such as milk and bread, is continuing to rise. It is evident that the consumer is paying more and the farmer is getting less, so where did the money go? Has it just disappeared? Has it gone to trading stamps, to free gifts to lure the public into large chainstores? I think it is high time we found out. The fact of the matter is the public is paying more and the farmer is getting less. The public is being told you can get something for nothing if you just trade at this store or that one. Well, there never was something for nothing and the way it is ending up is that the farmer is getting nothing for something.

LEGISLATIVE AIDS FOR EDUCATION

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, at the beginning of the 89th Congress various proposals were submitted in Congress seeking to provide non-Federal assistance to the field of education. For instance, H.R. 5785, which I submitted in March of 1965, would provide an income tax credit for tuition expenses of the taxpayer, his spouse or a dependent at an institution of higher education and an additional credit for gifts or contributions made to any such institution. Previous to that, on February 1, 1965, I had introduced H.R. 3914, which would provide direct aid to the States and territories for educational purposes only. The latter measure is a modification of the tax-sharing idea, or more properly, a tax retention plan in which 2 percent of all individual income taxes collected under Federal statutes shall be deemed to be revenue for the State or territory within which all of it is collected, for use, for educational purposes only, without any Federal direction, control, or interference.

Needless to say, those educational institutions which are striving to pay their own way without Federal help would profit immensely from legislation of the types proposed above. The case of Hanover College in Hanover, Ind., is a fine illustration of private initiative in education and should be financially encouraged without the danger of Federal control and dictation.

I request that the article entitled "Hanover Finds Funds Without U.S. Handouts," from the Chicago Tribune of July 31, 1966, be inserted in the RECORD at this point.

HANOVER FINDS FUNDS WITHOUT U.S. HANDOUTS

(By Chesly Manly)

HANOVER, IND., July 30.—Hanover college, the oldest four-year private college in Indiana [founded in 1827], is upholding its tradition of independence and self-reliance by refusing to accept federal aid of any kind.

Dr. John E. Horner, Hanover's 44-year-old president, said the college raised $1,147,425.99 from private contributors, an all-time record, in its last fiscal year, which ended June 30. He mentioned this as evidence that the private colleges can get the support they need from private sources and remain truly private if they work for it and refuse to be "seduced by federal aid."

TERMS OTHERS INCONSISTENT

"Some of our sister institutions are really inconsistent when they say they want federal support but not federal control," Dr. Horner said. "As a citizen and a taxpayer I expect the federal government to control the money it spends. As president of a private college I want it to remain private.

"Another objection to federal aid is that it tends toward a monolithic system of higher education. The great strength of American higher education comes from the dual system of public and private institutions. Something will go out of it if we all get our feet in the federal trough. As a private college we regard ourselves as an educational arm of the free enterprise system."

Hanover, a co-educational college with an enrollment of 1,000, is related to the Presbyterian church.

"We have a liberal arts tradition and a Christian tradition, and we believe it is important to American culture that young people should be exposed to both of them," Dr. Horner said.

COLLEGE RAISES $5,300,000

He said the college has raised $5,300,000 of a $5,500,000 development program that began five years ago and ends next December. About $2,000,000 of this will be added to the endowment, which will have a total market value of about $7,000,000. Two new residence halls and a $500,000 administration building have been completed and the college hospital has been renovated. A new campus center, to cost $1,500,000, is under construction.

Hanover has an operating budget of about $1,700,000, of which the students pay only 67 per cent. The other 33 per cent consists of voluntary contributions. Like Wabash college, at Crawfordsville, Ind., Hanover has refused to accept federal aid for student loans and scholarships, as well as for dormitories and other facilities.

PERSONAL EXPLANATION

Mr. CRAMER. Mr. Speaker, I ask unanimous consent that the RECORD show that I am present and missed this last quorum call by 3 seconds, being necessarily held up in my office.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE AIRLINES STRIKE

Mr. AYRES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. AYRES. Mr. Speaker, I know that the inconvenience being caused by the airlines strike is of paramount interest to every Member of the House. I would like for the Members to have their office staffs, if they have not seen it, show them the August 4 edition of the official publication of the machinists. This publication is locked up at 6:30 on Saturday evening. The headline states, "Airline Settlement Won Despite the Politicians." It goes on to say just exactly what happened in this unusual operation at the White House last Friday evening.

Of course, this settlement announcement was as premature as the President's announcement. I do hope that the carriers will be able to submit another proposal so that the machinists will have an opportunity to vote between now and this Monday evening so that their next edition can say, "Airlines Settlement Really Settled With Help of the President."

CIVIL RIGHTS ACT OF 1966

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14765, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, it had been agreed that the first order of business would be the vote on the Moore amendment to strike out title IV, that debate thereon would be limited to 30 minutes, 15 minutes to be controlled by the gentleman from New Jersey [Mr. RODINO] and 15 minutes to be controlled by the gentleman from Ohio [Mr. MCCULLOCH], and that in the event the amendment to strike out title IV is defeated, the Committee shall then continue the consideration of title IV for amendment.

The Chair now recognizes the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Chairman, 2 days ago, about now, the motion which we are about to vote on to strike title IV was read to the House, and since then there has been a great deal of debate involving title IV and concerning amendments, which has pointed up the fact that title IV is very shoddily written, given no consideration in the committee, and even the proponents of title IV do not know what it means. When words are read, various proponents will say that they mean one thing and others will say that they mean something else. Even from minute to minute a proponent will say that a certain phrase means one thing, and then, asked a little bit later about something else in the same sentence, the same proponent will say the same phrase means something else.

Obviously title IV is not in shape for sensible people to vote to put it into law, since even the proponents do not know what it means.

Actually, I believe some of the proponents have not read title IV, judging from the statements they have made in debate thus far. I have read it several times. Quite frankly, it is so ambiguous I would not attempt to tell anyone it means one thing and have any certainty that any court would agree with me about it.

But I want to talk about the reasons to strike title IV. This will apply to all those who feel that the Government should control the sale of property, and it applies to those people, among them myself, who believe a person should control his property as he sees fit.

The first thing I mention is the policy declaration, that there should be no discrimination. But immediately the bill goes on and discriminates. If we are going to have discrimination, then it ought to go all the way. If we are not going to have any discrimination, we ought not to have any at all. For that reason, the Members can see I am talking to both sides.

Here is an item I know the committee proponents have not thought of or they would not have put title IV in the bill. This bill would be much stronger and would be much more restrictive of the disposition of property without title IV, because title IV does attempt to put some exceptions in. If we read title V and title III, they have housing provisions that have no exceptions at all, and they make it a penal offense and people can be put in jail and fined, even if a homeowner wants to sell his house and choose the purchaser. If Mrs. Murphy, whom we talked about, wants to rent a room in her house, she faces a penal provision in title V. So we would have much stronger legislation, as far as housing, if we only talk about title V and particularly title III. She cannot only be sent to jail, but she can be fined $1,000 for renting her room and choosing a renter to suit herself. Also, the Attorney General can enjoin her and make her rent a room in her home to whomever he pleases.

If the Members will follow me, they will see what I am talking about. Turn to pages 74 and 75 of the bill. It says:

> Whoever * * * injures, intimidates, or interferes with * * * any person * * * selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling.

Mr. HALL. Mr. Chairman, I make the point of order that the Committee is not in order.

The CHAIRMAN. The Committee will be in order and the gentleman will not proceed until the Committee is in order.

The gentleman from Texas may proceed.

Mr. DOWDY. Mr. Chairman, I thank the gentleman, but I doubt that there are many who want to hear anything about this bill. Their minds are closed. Some of the actions that have taken place here during consideration of this bill remind me of the dog and pony shows I used to see when I was lad. Whenever the ringmaster would come in and pop his whip, they all jumped through the hoop or stood up on their

hindlegs, or whatever it was he wanted them to do.

As I was saying, this bill makes it a penal offense and a person can be sent to jail or fined if he interferes with or intimidates anybody with respect to "selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease, or occupation of any dwelling." It provides he shall be fined not more than $1,000 or imprisoned for not more than 1 year or both.

The Members must see that there is a stronger provision in this bill, which will be weakened somewhat if title IV is left in. All those of my colleagues who believe that people should not have a right to control their property ought to strike title IV, because it weakens the provisions of titles III and V.

Certainly all who believe, as I, in the traditional right of private ownership of property, will vote to strike title IV, because it is not legislation that should even be considered by Representatives of a free people.

Mr. Chairman, the motion of the gentleman from West Virginia to strike title IV ought to be unanimously adopted.

Mr. McCULLOCH. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, I shall address my remarks to a section of title IV which has not been the subject of debate heretofore. I might suggest that those who are concerned about the strength or the weakness of title IV would do well to examine section 408, which would, for the first time, undertake to establish what is called a Fair Housing Board.

Under the language of the bill, the Fair Housing Board would not be, as some have contended, a mediation and conciliation service. On the contrary, it would take upon itself many of the characteristics of investigator, prosecutor, and judge.

I believe it is important that we summarize a few of the powers which this Board would enjoy. Those are the powers which would be transported by reference from the National Labor Relations Act.

By way of example, the new Fair Housing Board would have the power to issue a complaint against any person on the basis of a naked charge, unsupported by any evidence whatsoever, filed by a single individual.

The Fair Housing Board would have the power to order a person charged to appear at a hearing within 5 days, which hearing could be scheduled in Washington or anywhere else in the United States the Board might decide.

The Board would have the power to amend the complaint, whenever the Board chose to do so, even after the person charged had presented a complete defense to the original charge.

The Board would have the power to permit any other person or persons to intervene in the proceedings and to present testimony.

The Board would have the power to issue a cease and desist order and an order requiring the person charged to do whatever the Board might decide was necessary to be done to implement the policies of title IV. Time will not permit me to itemize all of the other powers involved.

I believe it is vitally important to understand that while the act would permit an appeal from the Board's order to the circuit court of appeals, that appeal would not give the homeowner his day in court. Findings of fact made by the Board would be conclusive. No court of law would ever hear witnesses or take evidence.

Mr. RODINO. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, much has been said in this debate about the constitutionality of title IV.

It should be abundantly clear that every civil rights proposal which has been before the Congress—in 1957, 1960, 1964, and 1965—has been attacked on the ground that it was unconstitutional.

Fortunately, we are in the possession of at least three separate Supreme Court decisions recently rendered which should forever place at an end such attacks upon the constitutionality of legislation which implements the 14th amendment.

May I point out that one part of the basis for this reasoning is set forth in Katzenbach against Morgan, which upheld the authority of the Congress to prescribe rules and regulations as they relate to voting.

In this decision the Court pointed out that under section 5 of the 14th amendment Congress is empowered to pass appropriate legislation that would implement and carry out the provisions of the 14th amendment. The Court went on to cite McCulloch against Maryland, which is an old decision, and discuss the standard or measure of what constitutes "appropriate legislation" under section 5 of the 14th amendment. The Court said:

> Correctly viewed, section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the 14th amendment.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. RODINO. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, I urge my colleagues to support the amendment of the gentleman from West Virginia [Mr. MOORE]. The asserted objectives of title IV are to provide additional means of enforcing the constitutional provisions of equal protection of the laws and to give Negroes and possibly others a better opportunity to secure more desirable housing. These are worthy goals, and I am sure none of us would disagree with them. In spite of good intentions I think we should make inquiry as to the actual results of title IV and the results which will probably follow. I believe Daniel Webster was absolutely correct when he made the statement:

> The Constitution was made to guard the people against the dangers of good intentions.

This title attempts to provide a willing seller by denying to every property owner the right to consider race, color, religion, or national origin as influencing factors in the selection of a tenant or a customer. But that provision raises two further questions which I believe are of primary importance. First, what personal right does this take from every property owner in the United States of America? Second, what effect will this have on the ability of Negroes and other groups to obtain better housing?

I submit to my colleagues that if this title is enacted into law, its principal effects will be first to reduce the total amount of housing available by discouraging building and, secondly, to put Negroes and other groups, which the legislation is intended to help, at an increasing disadvantage in their efforts to buy what housing is available.

If title IV becomes the law of the land, it will, in my opinion, have two significant effects. First it will discourage building. Secondly, it will deprive the members of minority groups of the opportunity to compete for what housing remains. Therefore I think this title should be voted down, and that the amendment offered by the gentleman from West Virginia is entitled to our support.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I would first address myself to my fellow Republicans. I say to my fellow Republicans today that it would be one of the tragic ironies of history if the congressional Republicans of 1966 repudiate the congressional Republicans of 1866 who passed the Nation's first fair housing law. A century ago our predecessors, who had known the personal leadership of Abraham Lincoln and were the immediate inheritors of his tradition, established this important precedent for us.

If we seek to assume the leadership of this Nation in this stormy present, and in the tradition of Lincoln, we cannot shirk our duty today.

To those who say "never" to every necessary change, I would remind them that one of the great lessons of history is that when men who say "never," using as their excuse that they are saving the ancient landmarks of a people, attempt to build a dam or a dike across the channel where history flows, inevitably all they dam up behind it is a sense of injustice and of inequity. Sooner or later, in every case, the pressures behind that dam break through and sweep away the very ancient landmarks that the dam was built to save.

And, Mr. Chairman, in this great country of ours the history of the Republic should teach us that the saving of ancient landmarks has been the work of men who in a positive manner have constructed appropriate channels through which history finds its course, past the ancient landmarks, enhancing and preserving them as it goes. That is the manner in which we must move and adjust ourselves to conditions of our time.

To those who raise a constitutional question, I remind you of the decision of the Supreme Court of the United States a century ago in passing upon and approving the Fair Housing Act of 1866, establishing beyond a doubt the authority of Congress to act on this subject.

To those who raise the question of the rights of the individual in his home, I would repeat to you the words of the distinguished gentleman from Ohio [Mr. McCULLOCH], the ranking minority member of the Committee on the Judiciary, who said in this House on Wednesday that title IV, as we have amended it—and I quote the gentleman, who is an eminent authority that as we have amended this section, "it will insure that a man's home is his castle, now and as long as" the work we have done here "is effective."

To those who say that this bill will in some way depress the building industry, I recall the advice of the gentleman from New York, who has had great personal experience, that in fact this will stimulate the building industry. This judgment is supported by the testimony of numerous industry witnesses which appears in the record of the hearings before the Committee on the Judiciary.

Finally, to those who say that they are going to vote against this title because it does too little or because it fails to do what it is advertised to do, let me recall once more a brief summary of the figures which outline both the need, the demand and the solutions that we will be providing under title IV.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MATHIAS. Mr. Chairman, there are approximately 21 million Negroes in America. Title IV as we have presented it will immediately cover a very minimum of 40 percent of American housing or at least 23 million housing units. It will further cover completely most of the new housing units that are being erected in the new suburbs and the new center cities. It will cover new apartment houses, which are being built approximately 45 percent in central cities and 55 percent in suburban areas. It will meet the immediate demand.

Mr. Chairman, I think this title promises tremendous progress toward the solution of one of the great social problems of our day.

Mr. Chairman, I urge that we defeat the Moore amendment.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I rise in opposition to the Moore amendment to strike title IV from this bill. There was overwhelming evidence before the Judiciary Committee that there exists in this country racial discrimination in the rental and sale of dwellings. This discrimination is inconsistent with the protections of the 14th amendment, and clearly impedes the free flow of interstate commerce.

I would hope that the lengthy debate we are about to conclude would have clarified the reasons for this legislation—its objectives, how it expects to obtain those objectives and the limitations of the legislation.

Addressing ourselves to the last point first, it is abundantly clear that this legislation does not interfere with the free choice of the homeowner in selecting either a tenant to share his home or a purchaser to buy it. The proposal by the President to restrict that free choice was rejected by the Judiciary Committee. Any reasonable interpretation of title IV can reach no other conclusion. Once we reached the determination that we would leave untouched the free choice of the homeowner, we then had to consider whether there were other causes of segregated housing with which we might properly deal and which would be effective in eliminating all of the evils which have been imposed upon our society by forced racial segregation.

There was evidence before the Judiciary Committee and it is my firm conclusion that the principle cause of racial segregation in housing has nothing to do with the free choice of individual homeowners. Rather, it is the method of doing business on the part of banks and realtors that has developed during the past 30 years. During these past 30 years, we have seen tremendous progress toward making every American family a homeowner. The principle ingredient in this accomplishment has been the availability of long-term, low-interest mortgage money coupled with a booming residential building industry and vigorous real estate sales. Regrettably, one of the prices demanded of an American citizen to participate in private home ownership has too often been a white skin. For a wide variety of reasons, I suggest to you illogical and unjust reasons, bankers, property developers, realtors, have refused to transact business with Negroes in the same manner that they transact business with whites.

So late as yesterday, the gentleman from California [Mr. SMITH] called to our attention the fact that some savings and loan associations just adopt a policy that they do not lend to Negroes. Many of our colleagues during the past 4 days have from the well of this House implied that you can tell that a man is irresponsible by the color of his skin. The tactics of the business community in keeping the Negro out of the housing market are subtle, but they are manifold and they are effective. The California Real Estate Board has stated that 99 percent of the listings for sale or rental of property are made by the property owner on an unrestricted basis. Yet California suffers in many areas from segregated housing. If it is not demanded by 99 percent of the homeowners, then I suggest to you that it is perpetuated by the business community which does not own the property but which is an essential factor in its exchange.

When President Johnson proposed that this Congress outlaw all discrimination in all housing, the National Association of Real Estate Boards attacked that bill with great vigor. Their opposition, so they claim, was principally that it constituted an evasion of the homeowners free choice in dealing with his property. But when your committee protected that free choice, the National Association of Real Estate Boards renewed their attack with considerably greater vigor. Now contending that the Mathias compromise was worse than the original bill. Being perfectly candid about it, I suppose from their point of view, that is a correct analysis because now the attention of this Congress and of the Nation is focused on their role in perpetuating segregated housing. They no longer fight for the principle of a man's home being his castle, they no longer fight for free choice for individual property owners—those issues have already been resolved by the Mathias compromise—they now fight for the right to conduct their business in a manner discriminating against their customers because of the color of their skin. This practice is immoral, and when this bill becomes the law, as I hope it will, it will become illegal and abandoned. I urge defeat of the Moore amendment and adoption of title IV and H.R. 14765.

Mr. McCULLOCH. Mr. Chairman, I yield the remainder of the time on this side to the gentleman from West Virginia [Mr. MOORE].

The CHAIRMAN. The gentleman from West Virginia [Mr. MOORE] is recognized for 6½ minutes.

Mr. MOORE. Mr. Chairman, I would not divide this House with respect to the observations that I make. I would only choose to speak to my fellow Americans.

My basic concern, Mr. Chairman, has been and still is the fundamental doubt I have about title IV of this legislation and its constitutionality.

I recall quite well that we have had presented during the debate on this title many different references to decisions of the Supreme Court as to how it might be suggested that they would act if given the opportunity to judge the constitutionality of title IV.

With due regard and sincere appreciation for those suggestions that have been advanced, I still have firm in my mind the question of whether or not title IV squares itself with the Constitution of the United States. There are those who say that the Court has spoken on a number of occasions clearly on this issue either on cases of recent date or of some 100 years ago. I would say to my colleagues that such is not the case, for if you delve more deeply into these decisions that have been given to you as the basis of explaining the constitutionality of this title, there is a grave absence of words. True, the Court has spoken, but it has only spoken through the route of the 14th amendment, where the States have deprived individuals in this country of rights which are secured to them under the Constitution of the United States. If you go deeply into the decisions—and not too many years back—as a matter of fact very recently—you will find that the Court has spoken firmly, and questioned firmly, the constitutionality of anything that suggests that the 14th amendment shall be used as the legal vehicle to protect individuals from the capricious acts of other individuals.

The firm scintilla that runs through all the decisions of the Court with respect to the 14th amendment does—and I firmly state it—protect the right of an individual against the acts of State government. But it does not lend itself to the interpretation that the 14th amendment shall be used to protect individuals in the handling of their individual rights and property rights as opposed to other individuals.

This has been said many times and in many ways. Recent cases confirm this constitutional thesis. It is for this reason that I had, and still have, the question in my mind that title IV does not square itself with the Constitution of the United States. Certainly to attempt to create the legal fiction that the powers of Congress under the interstate commerce clause of the Constitution can be stretched to apply to individual homeowners, in my opinion, stretches that clause beyond all present legal recognition.

But if I were to leave that constitutional plateau and suggest that this is a matter which can be decided at some future time, I would then ask myself the question as an individual in this House who has been a militant civil rights legislative supporter, what does title IV propose to do? Does it really touch the problem at hand?

It seems to me that there are others, who feel, as some in this House feel, that it does not. I have suggested that it will encourage discrimination, and no less an authority than the chairman of the New York Commission on Human Rights yesterday indicated that title IV will serve to further perpetuate the ghetto, isolated from the power structure of the community.

Going on, Mr. Boothe said, "the caste system will be upheld"—and he was speaking of the Mathias amendment, which has been adopted. He said:

> We can envision, if this title IV is enacted, a nation of black cities and white suburbs.

But if that does not bother us, let us go to section 404 of title IV, which deals with institutions in the field of finance, which must support financially real estate undertakings in any city, town, or State in this country. The point that has been raised I think is real, but one thing they overlooked is the test of discrimination. It would be the condition that is in the mind of the person who seeks the loan and is refused that would be determinating factors. If he feels he has been turned down under this title IV by reason of his race, he could institute an action against the officials of the financial institution, and under this title, my colleagues, the U.S. Government would hire him an attorney and provide the money to pay that attorney. This could lend itself to pressure and harassment of these institutions.

Again, I simply say that it is the condition that is in the mind of the person who wants to borrow, and however wrong the credit credentials may be, and however sincere the financial officer may be in wanting not to discriminate, the mere fact that the individual who has been refused the loan feels that he has been discriminated against is enough to put this title in all its ramifications into operation.

For these and many other reasons I urge your support of my amendment.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. We have been building up to the climax of this vote through 2 weeks of debate. This vote on the Moore motion to strike title IV involves 14 pages of a 60- or 70-page bill.

Those who listened to the debate yesterday and the days before know there is great uncertainty as to the construction of the various provisions in title IV. There have been many, many interpretations of the several provisions. There are many ambiguities involved in this very controversial area. We know there is some doubt—I say some doubt—in the minds of good lawyers as to the constitutionality of this title.

When we add up all of the problems, it seems to me that we would be far wiser to send this title back to the Committee on the Judiciary for further consideration. I so urge such action.

Mr. MOORE. Mr. Chairman, I urge the support of my amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, I woke long before the usual hour this morning. I could not sleep as I thought of the fateful consequences that will attend our vote in this Chamber today. There is not a man in this body whom I do not credit with the most sincere desire to achieve a legislative solution that will serve to bank not fuel the fires of racial tension that not just figuratively but tragically enough are literally burning in the streets of our great cities across the land. We sing that beautiful hymn of our land:

> America, America, God shed His grace on thee,
> And crown thy good with brotherhood from sea to shining sea.

But this bill is no crown of brotherhood; rather we drive the first nail into a cross of injustice. There may be money in open occupancy housing as the gentleman from New York says, and the cry in America has become, "business is business"; but my question is this: At this critical moment and juncture in our history when we desperately need unity among our people will this bill advance that end? The answer is "No."

It will frustrate and disappoint those who come quickly to realize that it will not solve the ghetto problem. Everyone admits that. It will embitter those who see in it the dragon's teeth of a system of government where "Big Brother" decrees that war is peace and hate is love, and let no one under penalty of punishment by law dissent from the egalitarian doctrine which has become the religion of the state.

Oh, but the proponents say—in this great moral crusade we are leading—in what the gentleman from California [Mr. CORMAN], with his voice quivering with emotion describes as "this really tough law," we provide an exemption for the individual homeowner and his realtor. We place in reality the imprimatur of the Federal Government—the stamp and seal of approval on the ugly stain of prejudice in the all-white suburbs. The amendment of the gentleman from Maryland is not a perfecting amendment; it is not a softening amendment; it is not that strangest of all descriptions—the amendment that neither weakens nor strengthens—it is the old "sweetener" amendment. It is like the line from Julie Andrews' song: "A little bit of sugar makes the medicine go down."

We hear of the virus of discrimination. It is a dread scourge indeed, but it is not the only virus that has attacked the body politic in America. Today we suffer as never before from the virus—yes, an epidemic and scourge of violence and lawlessness. Three sheets of my daily press summary one day this week were filled with new stories of burnings, lootings, pillage, and rape, and all committed in the name of civil rights demonstrations.

We need an antidote for the poison that has been poured forth from vials of racial hatred. Even more we need an antibiotic to combat the virus. But this bill is no antibiotic. Rather as a history professor once described the French Revolution as a giant political cathartic. That happens to be the wrong remedy for many human ills just as this bill is the wrong remedy.

Oh, the proponents seek to drive us into yet another corner. They have unfurled and raised high the banner inscribed "Human Rights." They raise the standard of human rights, and they employ a dichotomy of human rights as opposed to property rights and never the twain shall meet. There is no such airtight compartmentalization or fragmentation of rights. One of Shakespeare's characters said in Henry IV, "the first thing let us do is kill all the lawyers." I heard someone in this Chamber yesterday muttering, "The first thing let us do is get all the lawyers off the Judiciary Committee." As a lawyer myself I could not, of course, agree. But lawyers sometimes are dry as dust in defining terms like property rights. They present them as a skeleton and never quite manage to flesh that skeleton out with all of the meaning that it has for the average homeowner or holder of property. Our legal rights are often compared to a bundle of sticks when they are discussed in the classroom, but they are far more than that. What is it that provides the great and basic distinction between our society and that of the U.S.S.R.? They have an egalitarian society—or so they say—but for us it would have a cloying taste indeed. Why? Because they do not by and large respect the institution of private property. The average Soviet citizen has a few square feet of space in the state-owned apartment. He does not even aspire to homeownership. The state will provide him with shelter, but he cannot be entrusted with the responsibility of owning his own property. He might make the wrong decisions with respect to the enjoyment and use of that property if he did. No,

the state plan must prevail over the individual wishes and desires of the Soviet citizen.

I hope—yes, I pray—that the day will come when we can in large measure eliminate the specter of prejudice and racism from our midst. I think we will see the dawn of that day. This bill will not create the climate, however, that will hasten its coming. If it stirs up more hatred and violence, as I feel that it will, we will by its passage have retarded—not advanced—the cause of civil rights.

We laughed in this Chamber on yesterday or the day before when the gentleman from Alabama [Mr. BUCHANAN] quoted to us the 10th Commandment from the Old Testament. That commandment reads, "Thou shalt not covet." But it is true, as he said. There is a spirit of covetousness sweeping over America. I listened a Sunday or two ago to the Attorney General of the United States as he addressed a nationwide television audience. Oh, no, said he, with great aplomb.

> It would be a tragedy to assume that a conspiracy is responsible for riots in our streets. It is because these young people are living in a time of great prosperity. They see other people with TV sets and fine motor cars. They do not have these things or the means to acquire them, so in bitterness and frustration they riot, pillage, loot and burn.

And voices from even higher up say, "If I had to live in a ghetto I would have enough spirit to lead a pretty good revolt myself." The cry is changing. Instead of "freedom now," it is becoming a cry that as the line in the Broadway play of a few seasons ago went, "I'm depraved because I'm deprived." It is not freedom anymore that is the bright and shining and holy grail, it is rather television sets and motor cars.

I applaud Rev. P. H. Jackson, of the National Baptist Convention, for saying that civil disobedience must not be allowed to become a way of life in America. I applaud him for having the courage and infinite good sense, to observe that the current riots and disorders are the biggest single threat to the peace and security of the United States.

It was the Great Emancipator, Abraham Lincoln, whose name and memory have been invoked so many times during this debate who said:

> Let reverence for the law become the political religion of the Nation.

Let us pass this bill without title IV and seek to cool rather than heat up the passions and the prejudices that threaten to divide us to the great delight of our enemies and the enemies of our free system. Then let us direct our attention to the great task that lies before us of building a society where men can walk together in decency and dignity toward the goal of a better life.

Mr. GILLIGAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLIGAN. Mr. Chairman, I rise in opposition to the Moore amendment, which proposes to strike title IV from the civil rights bill of 1966.

The debates on this bill, and especially on title IV, have extended over 2 weeks; indeed, it has raged for months in the press, and the arguments really do not change, although this time the source of some of the protests to the passage of this legislation may have shifted from South to North. There has not been much change, however, even though this bill and especially title IV, is sometimes referred to as the first northern civil rights bill, because for the first time the impact of this legislation will be felt in our northern cities as well as in our southern hamlets. Still, the lines of support and opposition have changed remarkably little.

The support for this bill comes principally from the Democratic side of the aisle, from Members representing Northern and Western States; and the opposition still is concentrated among our Democratic colleagues from the South and—with some notable and noble exceptions—on the Republican side of the aisle.

The arguments have changed remarkably little too. Whatever the subject matter—whether it be jobs, or public accommodation, or housing, or schooling—we hear the same refrain over and over again—the Federal Government is intruding into fields where it has no competence, no authority, and no jurisdiction. We hear that the rights of our white citizens are being infringed upon, or eroded away, in order to give a privileged position to the Negro. I often feel that we get so wound up in our arguments and in our overblown rhetoric that we lose sight of the facts of everyday life.

To those who say that the use of Federal law and Federal law enforcement is not the proper way to solve the problem, I can only ask what is the right way? Of those who oppose this legislation, I can only ask what has our society accomplished in the direction of solving this problem of interracial injustice without the use of Federal law and Federal authority? Indeed, it seems only fair to me to ask of each individual who opposes the passage of this bill what his personal contribution has been towards the solution of the Negro problem in America.

In 1958 the Catholic bishops of America issued a joint statement in which they asked a rhetorical question: Can enforced segregation of the races be reconciled with the Christian conscience? Their reply: "In our judgment, it cannot." That same judgment has been echoed by the moral leaders of this country, Protestant, Catholic, and Jewish, to the point that I do not believe that anybody can really contest the issue any longer.

When we then attempt to apply this moral principle to the day to day existence of our society we find the evil of enforced segregation—legal or illegal—poisons every phase and facet of our community and national life. The critical term is the word "enforced." In the Old South, this enforcement had the respectable color of law, but those laws have been now struck down by the Supreme Court, and the South has been changing many of its patterns very rapidly.

In the North, however, it has long been illegal to segregate the races and yet this segregation has continued, and has been enforced by all sorts of extra-legal devices, by unwritten laws, by unspoken covenants, by custom, by arrangement, by unspoken policy decisions, by gentlemen's agreements made in school boards, real estate boards, the boards of directors of banks and savings and loan institutions, and other large and small companies.

Racial segregation and injustice in the North has been prevalent in every field of human activity; in jobs, in schooling, in housing, in social affairs, in every type of economic activity. To pretend that it has not, to protest that it is the result of natural forces, or the result of the inherent deficiencies of the individual Negro, is to deny the reality of one's own life and experience. These patterns of injustice, based upon the accident of race and color, have been enforced in such a way that the individual Negro, whatever his talents and abilities, found himself pitted against all of the forces of organized society, arrayed against him in a manner untouched by existing law.

Last summer, during the debate on the voting rights bill of 1965, our distinguished majority whip, the very wise and very brave gentlemen from Louisiana, Mr. HALE BOGGS, gave a very courageous, candid statement in the well of the House in which he said that the day had arrived when the people of the South could no longer attempt to delude themselves or deceive others about the manner in which they had systematically deprived their Negro fellow citizens of the right to participate in government through the ballot box. He called upon all Americans to recognize and acknowledge what they had been doing for decades and centuries, and to take the first steps toward rectifying that situation, and to take that step immediately by voting for the passage of the bill under discussion.

Precisely the same statement can and should be made today to the people of our Northern States: the day is at hand when we must face reality, when we must acknowledge the true state of our society, and when we must take the steps necessary to eliminate the very evident evils which afflict us.

We need to do this, not only because we want to help the Negroes to a full and free life, but because we want to assist our white fellow citizens to free their lives of the curse of racial bigotry and injustice which has cost—and will continue to cost—all who live in our society untold millions of dollars in economic waste, in unnecessary government expenditures at every level, and incalculable suffering for whites and Negroes alike.

We cannot temporize, or evade, or pretend. The evil exists, and we have at hand today, in the form of this legislation, a tool which will not by any means solve all of the problems, but which will

mark at least a beginning toward this solution. If we turn away now from our clear responsibility, we simply are acting to permit this evil in our society to fester and to further poison every phase of our society. Sooner or later we, or better men who come after us, will have to deal straightforwardly with this problem. I submit that today is the time, the tools are at hand, the responsibility is ours and therefore—by keeping even this imperfect title IV in the bill, and by voting this legislaiton into law—let us begin.

The CHAIRMAN. The gentleman from New Jersey [Mr. RODINO] is recognized.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. RODINO. Mr. Chairman, I yield for a minute to the distinguished majority leader the gentleman from Oklahoma [Mr. ALBERT.]

Mr. ALBERT. Mr. Chairman, on one particular I agree with the distinguished minority leader: We are reaching the climax in a historic debate which has been on a high plane and of high quality. It seems to me the vote we make here today is going to be, as much as any vote we have made during the last 19 months, a test of the ability of the 89th Congress to meet its responsibilities to the American people.

If we fail here, we will have failed in a major area of our responsibility. What we are going to be voting on in the next 5 minutes is the very heart of this bill. If we strike out title IV, the record of the 89th Congress in its 2d session in the field of human rights will be damned.

I urge the defeat of the Moore amendment.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. RODINO. Mr. Chairman, I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Chairman, it seems to me we are not only considering civil rights legislation, but we are considering American rights legislation. More transcendent, we are considering moral rights legislation.

The elimination of this title from the bill would be inconsistent not only for civil rights legislation, but, on a higher plane, with legislation consistent with American rights, and the traditions of our country. And, greater still, there is the moral question that we should recognize, and we can do it by defeating the Moore amendment.

Mr. RODINO. Mr. Chairman, I thank the Speaker.

Mr. Chairman, I vigorously urge defeat of this amendment.

With title IV, we do not end, and we know that we are not ending, the ghettoes that exist in America. But with title IV the ghetto may find some end. With title IV we can break the last links in the chain of racial discrimination which exists today.

We can live up to the pledge and to the commitment which the Congress made in 1949 in its National Housing Act, when it made an even broader commitment by pledging the Nation to the goal of a decent home and a suitable living environment for every American family.

Mr. Chairman, I urge defeat of this amendment, which would undoubtedly gut the Civil Rights Act of 1966.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MOORE and Mr. RODINO.

The Committee divided, and the tellers reported that there were—ayes 179, noes 198.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to title IV?

For what purpose does the gentleman from New Jersey rise?

Mr. RODINO. Mr. Chairman, I ask unanimous consent that all debate on title IV and all amendments thereto conclude at 3:30.

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, if we agree to limit the debate to 3:30, is it the intention of the leadership to rise at that time?

Mr. RODINO. Mr. Chairman, if the distinguished gentleman from Michigan will yield, after the reading of title V it is the intention of the Committee to rise.

Mr. GERALD R. FORD. In other words, if we agree to limit debate on title IV and all amendments thereto to 3:30, then it will be the plan to read title V, but then rise, without any consideration of amendments thereto?

Mr. RODINO. That is correct.

Mr. GERALD R. FORD. And there will be no business tomorrow, and we will take up the civil rights bill again on Monday?

Mr. RODINO. Mr. Chairman, I will say to the distinguished minority leader that the leadership will have to answer that question.

Mr. ALBERT. Mr. Chairman, will the distinguished gentleman from New Jersey yield?

Mr. RODINO. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, we hope to go over from this evening until Monday, and in any event there will be no legislative business tomorrow.

Mr. GERALD R. FORD. Is it the intention to continue the consideration of the Civil Rights Act of 1966 on Monday?

Mr. ALBERT. Mr. Chairman, if the distinguished gentleman from New Jersey will yield further, the gentleman from Michigan is correct. We shall continue with the consideration of this bill until we have finished it.

Mr. GERALD R. FORD. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ASHMORE. Mr. Chairman, further reserving the right to object, I apprehend there will be a vote on this question. Therefore, Mr. Chairman, I would like to know—and I believe the membership would like to have at least some idea—how many amendments are now pending. I do not believe we should cut off the time for debate until we know, or at least have an idea, how many amendments we have pending for consideration.

The CHAIRMAN. The Chair would like to reply to the gentleman from South Carolina that the Chair can tell the gentleman how many amendments there are pending at the desk. But the Chair cannot tell the gentleman how many amendments are in the pockets of the various Members of the Committee of the Whole House on the State of the Union.

Mr. ASHMORE. Mr. Chairman, I realize that; how many are pending at the desk?

The CHAIRMAN. The Chair will state that there are four amendments pending at the desk.

Mr. ASHMORE. Well, Mr. Chairman, we have at least four here, or five over there, and perhaps more.

Mr. SMITH of Virginia. Mr. Chairman, I would like to say that I have three amendments which I believe are meritorious.

Mr. ASHMORE. And, Mr. Chairman, there are two more here, and three more there. There are some 10 or 12—12 or 15, it would appear, yet to be considered.

Mr. Chairman, further reserving the right to object, it seems to me we should not set a time limitation now when there are 12 to 15 pertinent amendments pending to this section.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. EDWARDS of Alabama. Mr. Chairman, further reserving the right to object, because of the fact that every time we cut off debate we have had numerous people standing, and every Member of the Committee has only about a minute to speak, I would like to ask the gentleman from New Jersey [Mr. RODINO] if he would agree to amend his request insofar as to allow each proponent of an amendment his 5 minutes during which to explain his amendment.

Mr. RODINO. Mr. Chairman, if there are no more than the 12 amendments that have been suggested, then I think that would be reasonable but I cannot possibly agree if there are going to be more amendments.

Mr. Chairman, I feel if there are no more than 12 amendments, certainly 2 hours from now is a reasonable time for debate.

Mr. EDWARDS of Alabama. Mr. Chairman, further reserving the right to object, I think that the House is not able to work its will when gentlemen and ladies are required to explain their amendments in a minute or two or even less than a minute. I think it is entirely reasonable to request that anyone who has a legitimate amendment be allowed 5 minutes within which to explain the amendment. How else can we vote on it if we do not know what is in it?

So, Mr. Chairman, I would again renew my request to the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I have no method of determining the legitimacy

of the amendments that will be presented.

Mr. EDWARDS of Alabama. I think we have to assume that any Member who is offering an amendment is offering a legitimate amendment.

Mr. WAGGONNER. Mr. Chairman, reserving the right to object, do I correctly understand that at the conclusion of the action on title IV today that title V will be read? We will adjourn over the weekend and reconvene at noon on Monday and then all amendments to title V will then be in order?

The CHAIRMAN. The gentleman is correct.

Mr. WAGGONNER. Mr. Chairman, I withdraw my reservation of objection.

Mr. DOWDY. Mr. Chairman, reserving the right to object, I think the House should bear in mind on this unanimous-consent request that has been made here that we have a 17- or 18-page title. All the debate so far has been on a motion to strike it. There are a number of amendments that are very important, that need to be considered by the House and debated.

Mr. Chairman, the debate on the motion to strike has certainly shown that there is a lot of ambiguity in this title that should be straightened out. I certainly think that since we have the civil rights bill before us that the House should not be hurried unnecessarily in its action on it as did the Committee on the Judiciary in only considering this for 10 minutes.

Mr. CRAMER. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from New Jersey this question. As I understand, if this agreement is reached, then title V would be subject to amendment as the first order of business on Monday. Is that correct?

Mr. RODINO. That is correct.

Mr. CRAMER. I have an antiriot and and an anti-Ku Klux Klan amendment that I want considered in that title. There has been considerable talk of riots and civil disturbance, and the extent to which the various provisions of the bill cope with this very important problem. I trust the gentleman is not going to try to cut off debate on that title before we have had a reasonable opportunity to consider my antiriot amendment.

Mr. RODINO. Mr. Chairman, I do not believe the gentleman from New Jersey has attempted to cut off debate unreasonably. I think under the circumstances that we have tried to be as reasonable as possible. I dislike to appear to be disagreeable but I must insist upon my unanimous-consent request.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, on numerous occasions during the debate on the Moore amendment, parliamentary inquiries were addressed by members of the Committee on the Judiciary as to whether amendments would be in order after the Committee had acted upon the Moore amendment. We were assured on a number of occasions that would be done. Yesterday afternoon the distinguished majority leader made a unanimous-consent request, the last few words of which, in effect, said that we would vote within 30 minutes—or in other words after 30 minutes of debate today and then title IV would be open for amendment and debate.

Mr. Chairman, some of us have very serious amendments which ought to be considered in a serious way with adequate debate. While I do not like to suggest that my friend from New Jersey would be a party to it, I think that those of us who have held back in an effort to cooperate and to get to a vote on the Moore amendment are being taken advantage of by reason of our having been cooperative. I hope the gentleman will not insist upon his unanimous-consent request.

I hope the gentleman will not insist upon that request.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. WILLIAMS. Mr. Chairman, reserving the right to object, I would like to inquire as to how the time would be divided. Would it be divided among those who are now standing, apparently seeking time, or would it be divided in the discretion of the Chair as to whom he wishes to recognize.

The CHAIRMAN. The Chair will make a list, but primarily the time will be allotted to those, first, who have amendments and those who oppose amendments. The Chair will attempt to see to it that all who have amendments will be heard first.

Is there objection to the request of the gentleman from New Jersey?

Mr. POOL. I object.

Mr. RODINO. Mr. Chairman, I move that debate on title IV and all amendments thereto conclude at 4 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. RODINO].

The question was taken; and on a division (demanded by Mr. POOL) there were—ayes 116, noes 82.

So the motion was agreed to.

The CHAIRMAN. The Chair will recognize those gentlemen who desire to offer amendments; first members of the committee. The Chair recognizes the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I send to the desk four amendments.

The CHAIRMAN. Does the gentleman from North Carolina desire to have them considered en bloc?

Mr. WHITENER. No.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 63, lines 13 through 19, strike out all of subsection 403(a)(3) and renumber the following subsections of section 403(a).

Mr. WHITENER. Mr. Chairman, I regret that the action by my good friend from New Jersey [Mr. RODINO] has, in effect, precluded adequate deliberation on this title. I regret that in our desire to be cooperative we were unable to anticipate that the situation would develop where we would not be able to engage in the type of debate a serious matter of this kind merits.

As I have said earlier, since title IV was reached by the committee, we have on several occasions addressed inquiries as to whether there would be opportunity for the presentation and the debating of amendments to title IV in the event that the Moore amendment failed. We were led to believe that there would be. And yet, before we even commence considering these amendments, we are drastically limited in our opportunity to present them.

This amendment, which I now offer, is a serious amendment that I would believe should appeal to all of the Members of the House. It would merely strike section 403(a)(3), which is on page 63, lines 13 through 19. I am not alone in expressing the view that this provision is clearly in violation of the first amendment to the Constitution. In testimony before the Senate Committee on the Judiciary, the representative of the American Civil Liberties Union had this to say:

I think there is a free speech problem. We have in the past, as we did here in the District of Columbia when considering the Fair Housing ordinance here, opposed a prohibition on publication or advertisement, and it would seem to me that we would be opposed to a prohibition like this on free press grounds.

The question was asked:

So you would be opposed to that subsection?

The answer was: "Yes."

In testimony before the same committee, by the Attorney General, which I will not read in detail, some hesitancy about this provision was also expressed.

Let us see what the language does. It would make it unlawful "to make, print, or cause to be made, printed, or published any oral or written notice, statement, or advertisement, with respect to the sale, rental, or lease of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any preference, limitation, or discrimination."

In other words, if, as I understand it, I am in the real estate business, or selling a piece of property, and I say to a newspaper reporter that I am not going to sell this property to a member of the Chinese race, or to a member of the Methodist Church, then I have committed an unlawful act and he will have committed one too if he prints it in his paper.

The same thing would be true if an individual advertised.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am glad to yield to the gentleman from Ohio.

Mr. HARSHA. Now that the provision against discrimination against those persons with children is in the title, would this also come under the purview of what the gentleman is saying?

Mr. WHITENER. Yes. I believe that under the Casey amendment, if someone said to a newspaper reporter, "I am not going to rent my house to people

with children; even though I have a 30-room house, I am not going to let anybody with children in it," that would be an unlawful act, and it would be unlawful to print it or publish it.

This might be a job printer, a newspaper man, or any other person running a mimeograph machine, such as in the office of my good friend from Virginia on Capitol Hill.

The CHAIRMAN pro tempore (Mr. PRICE). The time of the gentleman from North Carolina has expired.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

First, this section is very important if we want to get at the kind of discrimination real estate brokers have been imposing on the community and on the sellers.

There is no first amendment obstacle to section 403(a)(3) which forbids brokers and others in the housing business to "make, print, or publish any oral or written notice, statement, or advertisement" with respect to the sale, rental, or lease of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination. To be sure, such a ban would restrict the kind of "speech" which the broker may engage in. But since the speech is part and parcel of conduct which the Congress validly has decided to ban—discrimination by the broker on his own initiative—the speech also may be regulated. As the Supreme Court, speaking through Mr. Justice Black, has said:

> It rarely has been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid . . . statute. We reject the contention now . . . it has never been deemed an abridgement of freedom of speech or press to make a course of conduct illegal merely because the conduct was in part . . . carried out by means of language, either spoken, written, or printed. (*Giboney* v. *Empire Storage & Ice Co.*, 336 U.S. 490, 498.)

There is no lack of precedent for this kind of prohibition. Thus, section 704(b) of the Civil Rights Act of 1964 makes it an unlawful employment practice for employers, labor organizations, and employment agencies to publish notices or advertising indicating any preference or other discrimination based on race, color, religion, sex, or national origin. So, too, the Federal Trade Commission Act prohibits false or misleading advertising, title 15, United States Code, sections 52 to 55, and the Securities Act of 1933 prohibits offers to sell or to buy securities through the use of a prospectus or otherwise unless the registration requirements of the act are complied with, title 15, United States Code, section 77e.

Further, the Attorney General of the United States was asked his opinion of Mr. Speiser's statement before the Senate. He was asked, "Do you see any free speech problems with that?" referring to this section. Mr. Katzenbach replied, "No, I do not see any free speech problems with that."

The adoption of this amendment would seriously cripple the efforts to stop discrimination. I urge its defeat.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from North Carolina.

Mr. WHITENER. In the analysis by the Library of Congress impartial experts, they asked this question:

> That section speaks in terms of advertisements connoting "any preference, limitation, or discrimination." What exactly is contemplated by the quoted language? Not infrequently, notices for the sale of residential housing include reference to the property's proximity to a particular church and/or a parochial school. Does such a reference betray an intention to make a "preference, limitation, or discrimination" because of "religion"?

Mr. CORMAN. The test would be whether the purpose and intent and effect of the language used would be to encourage, induce, or solicit discrimination because of those factors.

Mr. WHITENER. And the property owner would find out the answer after somebody had taken him to court and he had spent $500 or $1,000?

Mr. CORMAN. The property owner is not involved here. It is the real estate broker.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. May I make a parliamentary inquiry, Mr. Chairman?

I inquire whether, if I use all my 5 minutes on this amendment, I will be recognized in opposition to other amendments, in view of the limitation of time?

The CHAIRMAN. The limitation of time is 4 o'clock.

Mr. CORMAN. I yield to the gentleman from North Carolina.

Mr. JONAS. The word that worries me in this particular section more than any other is the word "preference." That does not apply only on the basis of race but would apply also on the basis of religion. As I started to comment to my colleague from North Carolina, we have members of religious denominations in my State who have erected dwelling units around "camp meeting" grounds. These units are owner-occupied, occasionally rented and occasionally sold.

Mr. CORMAN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. MCCULLOCH], who very carefully wrote into this law protection against this thing you are suggesting.

Mr. MCCULLOCH. Mr. Chairman, I am of the opinion that paragraph (c), beginning at the bottom of page 64 and the first paragraph at the top of page 65 would authorize discrimination under the conditions mentioned by the gentleman from North Carolina.

Mr. JONAS. I cannot agree, because that section deals with an institution. I am talking about a group of individuals who belong to the same denomination and associate together because they have the same religious views and desire to worship together.

Mr. CORMAN. Mr. Chairman, I would have to say to the gentleman, if it falls outside of the exclusion mentioned by the bill, and this is purely and simply an effort to discriminate against people because of the sale or rental of property prohibited here, then it would be prohibited under this section.

Mr. JONAS. May I make this comment? This goes far beyond discrimination and makes it unlawful to express a "preference" for members of the same religious denomination to become neighbors and associates.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. MCCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MCCLORY: On page 69, starting at line 10, strike all the language down to and including line 13 on page 72.

Mr. MCCLORY. Mr. Chairman, this amendment would eliminate from title IV the provisions relative to establishment of a Fair Housing Board and all of the broad authority granted to this administrative agency for investigation and enforcement.

First of all, I might say that the revisions relative to a Fair Housing Board were not recommended by the administration and there were no hearings by the House Judiciary Committee with regard to these provisions. Actually, the authority granted to a Fair Housing Board duplicates substantially that which is granted to the Attorney General and to the courts with regard to enforcement of the fair housing standards and policies set forth in title IV.

The provisions for a Fair Housing Board were added as the final amendment by the full committee just at about the time the executive session was to adjourn, and I may say quite candidly that there was not even a full discussion or debate on the part of the full committee relative to this part of title IV.

I think there was a feeling on the part of some at the time this proposal was accepted by the full committee that the Fair Housing Board was a sort of human relations commission or community relations council that would undertake to conciliate and work out problems of discrimination in housing without either authority to compel attendance at hearings or to enforce its orders or recommendations. But that is not what the provisions establishing a Fair Housing Board accomplish.

What these provisions do accomplish is to create an entirely new Federal agency comparable to the National Labor Relations Board with a five-member board, including a chairman, to receive $25,000 per year and with authority to appoint and fix the compensation of such officers and employees and make such expenditures as may be necessary to carry out the Board's functions. In addition, the Board is authorized to make such rules and regulations as shall be necessary to carry out its functions, including the conduct of hearings. The Board is also authorized to delegate to any group of three or more members any or all of the powers which it might exercise and for them to conduct hearings.

The broad powers of the proposed Fair Housing Board should not be minimized,

as the section itself specifies that for purposes of investigation the Secretary shall have and for purposes of hearings the Board shall have the same powers as are provided for the National Labor Relations Board. Now anyone who has had any knowledge of or experience with the National Labor Relations Board recognizes that these powers are broad and generally final and conclusive. Penalties for violation of its orders may result in fines and also imprisonment as in the case of a failure to pay a fine or for being in contempt of court.

Of course, there was no need to establish the procedure for adjudication of fair housing problems by the court if it was the intent to establish an administrative agency with plenary powers such as are granted to the Fair Housing Board. Even in the case of an appeal from the Fair Housing Board, the court would be required to base its appeal on the record made before the Fair Housing Board and not on the basis of a trial before the court as contemplated in sections 406 and 407 of the bill.

The court procedures which are provided in section 406 authorize a party to file a complaint and to be represented by an attorney. No such corresponding authority is afforded with regard to the Fair Housing Board provisions. Indeed, the Secretary may initiate a proceeding on his own behalf without the benefit of any complaining party.

The legal proceedings which are authorized in section 406 are required to be brought within a period of 6 months after the alleged discriminatory act complained of. But enforcement by the Fair Housing Board of any alleged discrimination could be brought at any time as the provisions of that section are drafted. Presumably a 6-month statute of limitations would apply also by reason of the reference to the National Labor Relations Act.

Mr. Chairman, in seeking the objectives of title IV it seems clear that we should do at the national level only what is required to be done. That, in essence, was the purpose of the earlier amendment which I offered to the Committee. Clearly the authorization for a Fair Housing Board duplicates the existing provisions for judicial determination. It also duplicates—indeed, supersedes—the authority of all State courts and administrative agencies concerned with assuring fair housing without discrimination due to race, color, religion, or national origin.

I urge the adoption of the amendment which I have offered for the striking of the provisions to create a Fair Housing Board in title IV of this legislation.

Mr. Chairman, I urge earnestly the adoption of this amendment which I have offered for the striking of the provision to create a Federal Housing Board in title IV of this legislation.

Mr. ASHMORE. Mr. Chairman, I would like to ask the gentleman from Illinois to yield, if he has any time remaining.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my distinguished colleague, with whom I serve on the Committee on the Judiciary, has made a number of statements about the Fair Housing Board, which for the benefit of all the Members present require some comment.

First of all Mr. Chairman, I would like to insert at this point in the RECORD a series of questions and answers which I have prepared regarding section 408.

QUESTIONS AND ANSWERS CONCERNING THE FAIR HOUSING BOARD ESTABLISHED BY SECTION 408

(Prepared by Congressman JOHN CONYERS, JR.)

Just what does section 408 provide?

It establishes an administrative process to handle complaints of housing discrimination, modeled after the procedures of the National Labor Relations Board in resolving labor disputes. The functions of investigating and conciliating complaints would be given to the Secretary of Housing and Urban Development instead of being handled by the Board itself.

Why do we need such an administrative process?

Experience with comparable State and local agencies repeatedly has shown that the administrative process is quicker and fairer. It more quickly implements the rights of the person discriminated against and also quickly resolves frivolous and otherwise invalid complaints. Conciliation is easier in an informal administrative procedure than in the formal judicial process. Also individual court suits would place a greater burden of expense, time and effort on not only the plaintiff but on all other parties involved, including the seller, broker and mortgage financier, and on the judicial system itself.

How would someone bring a complaint before the Fair Housing Board?

All complaints would have to be filed with the Secretary of Housing and Urban Development. He would investigate complaints, dismiss those without merit and attempt conciliation of valid complaints. Only after all attempts at conciliation had failed, would the Secretary file an official complaint with the Fair Housing Board.

Is there a time limit on filing complaints?

Yes. Six months. The bill provides a six-month limit for initiating court suits alleging housing discrimination. The same limit applies to complaints filed with the Secretary of HUD since the incorporated procedures of the NLRB include a six-month limitation.

Could someone gain double relief by both initiating a court suit and filing a complaint with the Secretary of HUD?

No. The courts can stay any court suit pending disposition of any case by the Federal administrative process which would be the normal and expected procedure. The courts could keep jurisdiction as protection against slowness on the part of either the Secretary or the Fair Housing Board. Delay might work against the interests of either the person alleging or accused of discrimination. Though the Board could provide injunctive relief, only the courts, with the required participation of a jury, could award monetary damages.

What provision is there for conciliation?

Following the practice of the General Counsel of the National Labor Relations Board, the Secretary of HUD would attempt to settle all cases through conciliation. The Secretary would attempt to resolve valid complaints both through his own representatives and, under section 409, with the cooperation of all the various private and local, State and Federal agencies involved in programs to prevent and eliminate discriminatory housing practices.

Will most cases be resolved without recourse to the Fair Housing Board?

More than 90% of all complaints filed with the NLRB annually are either dismissed, withdrawn or resolved through conciliation. Only 6.2% of all NLRB cases ever go to the Board. Experience with State agencies comparable to the Federal Fair Housing Board is quite similar.

How would the Board handle complaints and what are its powers?

After a hearing in which the rights of all parties would be protected by the usual procedures of a quasi-judicial agency, the Board can issue cease and desist orders which are reviewed and enforced by the Federal Circuit Courts of Appeal. Following the practice of the National Labor Relations Board, monetary damages would not be awarded by the Fair Housing Board.

What precedents are there for such an administrative process?

Sixteen out of the seventeen States with fair housing laws relating to private housing have administrative agencies with comparable powers. The Equal Employment Act of 1966 gives the Equal Employment Opportunities Commission the same authority and procedures regarding job discrimination that this section provides the Fair Housing Board regarding housing discrimination. Just three months ago the House of Representatives passed that bill by the overwhelming vote of 299 to 94, with wide bipartisan support.

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [The Chair counting.]

Mr. MINSHALL. Mr. Chairman, I ask unanimous consent to withdraw my point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Michigan may proceed.

Mr. McCLORY. Mr. Chairman, will the gentleman from Michigan yield to me for a moment?

Mr. CONYERS. Mr. Chairman, before yielding I would like to reply to some of the statements which the gentleman from Illinois has already made.

Mr. Chairman, first of all this Fair Housing Board provision was extensively considered during the public hearings held on this bill. The hearings were held before Subcommittee No. 5 of the House Judiciary Committee. Though I am not a member of that subcommittee, I was privileged to attend some of those hearings.

Now, Mr. Chairman, with reference to the fact that the administration wanted——

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. Yes, I yield to the gentleman from Illinois.

Mr. McCLORY. I have searched the records and I have not been able to find any hearings on that subject.

Mr. CONYERS. I did not say that there were hearings held on just this particular proposal. What I said was that this proposal, incorporated in ex-

actly the language I offered as an amendment during the executive session of the Judiciary Committee, was supported and discussed by a great many of the witnesses who testified before Subcommittee No. 5. At this point I would like to insert in the RECORD a list of the more than 35 groups which specifically supported inclusion of a fair housing board provision in title IV in their testimony before Subcommittee No. 5:

GROUPS SPECIFICALLY SUPPORTING INCLUSION OF FAIR HOUSING BOARD PROVISION IN TITLE IV OF 1966 CIVIL RIGHTS BILL IN THEIR TESTIMONY BEFORE SUBCOMMITTEE NO. 5 OF THE HOUSE JUDICIARY COMMITTEE

(Hearings held on May 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 1966)

I. U.S. COMMISSION ON CIVIL RIGHTS

II. CATHOLIC GROUPS

The National Catholic Welfare Conference (including): The Social Action Department of the National Catholic Welfare Conference, the National Council of Catholic Men, the National Council of Catholic Women, the National Council of Catholic Youth, the National Federation of Catholic College Students, the National Newman Apostolate, the National CYO Federation.

The National Catholic Conference for Interracial Justice.

The National Catholic Social Action Conference.

The Catholic Interracial Council of Waterbury.

The Christian Family Movement.

III. PROTESTANT GROUPS

The National Council of Churches representing 30 major religious bodies.

Coordinating Committee on Moral and Civil Rights of the International Convention of Christian Churches.

National Student Christian Federation.

Protestant Episcopal Church Division of Christian Citizenship.

United Church of Christ, Committee for Racial Justice Now.

United Church of Christ, Council for Christian Social Action.

Young Women's Christian Association.

General Board of Christian Social Concern of the Methodist Church.

IV. JEWISH GROUPS

The Synagogue Council of America representing the Central Conference of American Rabbis, the Rabbinical Assembly of America, the Rabbinical Council of America, the Union of Orthodox Jewish Congregations, the Union of American Hebrew Congregations, the United Synagogue of America.

Anti-Defamation League of B'nai B'rith.

American Jewish Committee.

American Jewish Congress.

B'nai B'rith Women.

National Council of Jewish Women.

National Federation of Temple Sisterhoods.

V. LABOR GROUPS

AFL–CIO.

Industrial Union Department of the AFL–CIO.

United Auto Workers.

VI. CIVIL RIGHTS GROUPS

Southern Christian Leadership Conference.

NAACP.

Leadership Conference on Civil Rights.

Neighbors, Inc.

VII. OTHER GROUPS

American Newspaper Guild.

American Veterans' Committee.

Japanese-American Citizen's League.

Americans for Democratic Action.

American Civil Liberties Union.

Zeta Phi Beta Sorority.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, there were no hearings held on this subject.

Mr. CONYERS. Mr. Chairman, I can only repeat again that this proposal was extensively considered during the Judiciary Committee's hearings and discussions of the entire 1966 civil rights bill. But certainly there were no hearings held on just this proposal alone.

I believe that the gentleman from Illinois should know that the Attorney General of the United States has spoken publicly about this Fair Housing Board provision. Attorney General Katzenbach testified before the Senate Judiciary subcommittee during hearings specifically devoted to the changes in the 1966 civil rights bill approved by the House Judiciary Committee. He specifically indicated the administration's support for the Fair Housing Board.

At this point I would like to insert in the RECORD the colloquy between Senator ERVIN and Attorney General Katzenbach regarding the Fair Housing Board.

COLLOQUY BEFORE SENATE JUDICIARY SUBCOMMITTEE REGARDING FAIR HOUSING BOARD

Senator ERVIN. Does the administration favor part of the amendment that establishes a Federal so-called Fair Housing Commission?

Mr. KATZENBACH. Yes, I think it is a useful amendment, particularly since part of the other act was changed.

I think we should understand clearly exactly what section 408, providing for the Fair Housing Board, would do for the administration of complaints that might arise under title IV, the fair housing section.

Mr. Chairman, all we are doing is following a very well established pattern in this House. Indeed, I might refer to a bill this House passed just 3 months ago, the Equal Employment Opportunity Act of 1966, which gained the widest margin of approval, 299 to 94, that this House has given to any civil rights bill. That bill, H.R. 10065, known as the Hawkins bill, gives the Equal Employment Opportunity Commission the very same authority and procedures regarding job discrimination that section 408 would give the Fair Housing Board regarding housing discrimination.

You might recall that in the Hawkins bill we gave the Equal Employment Opportunity Commission, which was established by title VII of the 1964 civil rights bill, the authority to issue cease-and-desist orders, enforceable by the Federal Circuit Courts of Appeals, regarding job discrimination on account of race, religion, color, or national origin. That is exactly what we are trying to do regarding housing discrimination by establishing this Federal Fair Housing Board. In addition the Secretary of Housing and Urban Development, with whom all complaints of housing discrimination would be filed, would first attempt to settle all housing discrimination cases by informal methods of conference, conciliation, and persuasion. Only after all attempts at conciliation had failed would he file a formal complaint with the Fair Housing Board.

Mr. Chairman, I would like to have inserted at this point some of the correspondence I have received in support of the establishment of a Fair Housing Board such as that in my amendment. These individuals and groups concur with me in the belief that the best way to deal with complaints of housing discrimination is to provide administrative relief rather than to rely on the slow and burdensome process of litigation.

UNITARIAN UNIVERSALIST ASSOCIATION OF CHURCHES AND FELLOWSHIPS IN NORTH AMERICA,
Boston, Mass., June 24, 1966.

Hon. JOHN CONYERS, Jr.,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: The Unitarian Universalist Association of Churches and Fellowships is deeply concerned over the prospects for the fair housing title in the Civil Rights Act of 1966, currently under consideration in the House Committee on the Judiciary.

We wish to urge upon you the necessity for supporting the strongest possible housing title in terms of breadth of coverage and in enforcement procedures.

We are disturbed by reports that efforts will be made to exempt one-family and two-family homes from coverage of the Act. This would constitute a severe blow to the aspirations of those Negro families who are seeking better living conditions, better schools, and more wholesome environments for their children outside the slum ghettoes in which they are now forced to live. Arguments of the real estate interests that open-occupancy housing legislation is "forced" housing are patently absurd. The forced housing comes when Negroes and other minority groups are *forced* to live in segregated neighborhoods in the decaying core of our cities, as you well know!

As a member of the influential House Judiciary Committee your vote is important to save the housing title of this bill from emasculation. We therefore urge you to resist all weakening amendments and to support an amendment which would strengthen enforcement by providing an administrative remedy to avoid long, expensive court proceedings, as many of the states have so provided.

Sincerely,

ROBERT EDWARDS JONES,
Director, Washington Office.

P.S.—Many thanks for your strong efforts in this regard.

THE METHODIST CHURCH,
June 16, 1966.

Hon. JOHN CONYERS, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. CONYERS: Today the Detroit Annual Conference of the Methodist Church passed the following resolution:

"We the delegates at the Detroit Annual Conference, coming from over 500 Methodist Churches in Michigan, urge you to support the civil rights legislation as found in SB 3296 and HR 14765. This would assist in protecting citizens right to trial by jury of their peers, their right to vote, attend any public school, use governmental facilities, have free access to the right to own or rent property, and several other matters without regard to race, color, religion, sex, national origin or economic status.

"We would urge you to strengthen the provision regarding the right to rent or own property to provide for the initiation of administrative enforcement by a federal agency."

Sincerely,

HAROLD A. NESSEL,
Conference Secretary.

COUNCIL OF MICHIGAN YWCAs,
Detroit, Mich., June 16, 1966.

Hon. JOHN CONYERS, Jr.,
House Judiciary Committee,
U.S. Congress,
Washington, D.C.

DEAR MR. CONYERS: The Council of Michigan YWCAs wishes to express to you its support of H.R. 14765, the new Civil Rights bill, now before the Congress. We urge you to act favorably on this essential legislation during the present session. We believe all of the following features should be included in the Act:

1. The prevention of discrimination in the selection of state and federal juries.

2. The means for facilitating the desegregation of public school and other facilities.

3. The protections for Negroes and civil rights workers against violence when exercising their constitutional rights.

4. The prohibition of all racial and religious discrimination in the sale and rental of housing. This provision we consider of special importance at the present time.

The Council of Michigan YWCAs also urges you to consider the recommendations of the White House Conference, which is urging a strengthening of H.R. 14765 in a number of ways. Experience has shown that successful administration of civil rights legislation requires strong administrative agencies, as suggested by the Conference.

Very truly yours,

FRANCES E. COBURN,
Chairman, State Public Affairs Committee, Council of Michigan YWCAs.
ELOISE E. SPENCER,
Executive Secretary, Council of Michigan YWCAs.

TRANSPORT WORKERS
UNION OF AMERICA,
New York, N.Y., July 21, 1966.

DEAR CONGRESSMAN: The Transport Workers Union of America, AFL–CIO, representing 150,000 workers in subways, buses, airlines, railroads, utilities and in the missile space industry, strongly urge the immediate passage of the Civil Rights Act of 1966 (H.R. 14765) without weakening amendments.

We urge the creation of a Fair Housing Board to enforce prohibitions against housing discrimination, more potent federal jury reform including an "automatic trigger" and the tightening of the rights protection clause preventing harassment arrests of civil rights workers. We also call on you to toughen the penalties against bigots who deny Americans their constitutional rights.

Respectfully,

MATTHEW GUINAN,
International President.
DOUGLAS L. MACMAHON,
International Secretary Treasurer.

UNITED STEELWORKERS OF AMERICA,
Pittsburgh, Pa., June 21, 1966.

Hon. JOHN L. CONYERS, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: The Civil Rights Bill currently before your Committee is legislation devised to respond to pressing problems in the movement to overcome racial discrimination. The titles covering the selection of jury members, protection of civil rights workers and more effective enforcement of the public education and public facilities sections of the Civil Rights Act of 1964 by the Attorney General are most necessary. The recent shooting of James Meredith certainly dramatizes the need for such federal protection.

I wish, however, to particularly emphasize the fair housing section. The elimination of the ghetto is at the heart of any sensible attempt to alleviate the growing pressures in our urban complexes. Residential segregation provides the rationalization for all forms of subsequent Defacto Segregation in schools, playgrounds, health facilities and other aspects of communal living. Even the possibility of obtaining better job opportunities is seriously curtailed by these residential patterns whereby plants and service facilities are located in one section of a large metropolitan area and minority groups in another without adequate means of public transportation.

As a Union we have always supported the enactment of state and local Fair Housing Ordinances. We are now urging the enactment of a national public policy on the matter. Prejudice in housing is a national problem which our large northern urban and suburban areas must face. The ghetto itself proves to be the boiling pot of civil unrest and violence for the people trapped in its environs and, at the same time, an impenetrable wall due to housing discrimination against escape and individual improvement. Urban redevelopment will be meaningless unless there is freedom of choice in housing.

I, furthermore, suggest the strengthening of legislation in the following manner:

1. A more automatic trigger for the application of Federal standards to jury selection.

2. An administrative agency to enforce the fair housing section.

3. Indemnification of citizens who have been injured in the exercise of their civil rights.

4. Extend Title VII of the Civil Rights Act of 1964 to cover state and local government employment.

In terms of legislative activity for this Congress time is running out. I, therefore, suggest fast action by your Committee.

Sincerely,

I. W. ABEL,
President.

CITY COUNCIL OF THE CITY OF LOS ANGELES,
July 14, 1966.

Congressman JOHN CONYERS,
Cannon House Office Building,
Washington, D.C.

DEAR JOHN: Enclosed please find a copy of Councilman Thomas Bradley's Report to the People on the Housing Title of the proposed 1966 Civil Rights Act.

This column has been published locally and has been distributed to local civil rights organizations and individuals who have indicated interest in such matters.

We are concerned at the relative lack of national activity on behalf of passage of the Housing Title and have been trying to think of some device for spurring interest and action. Hence this letter and enclosure to you.

Warmest regards.

Sincerely yours,

THOMAS BRADLEY,
Councilman, Tenth District.
By: MAURICE WEINER,
Field Deputy.

REPORT TO THE PEOPLE—LXI

(By Councilman Thomas Bradley)

On Friday, June 24, I urged the President of the United States to use the full weight of his office and influence to assure the passage of Title IV of his proposed 1966 Civil Rights Act. Title IV would try to achieve non-discrimination in housing.

Following is the text of the letter I sent to President Lyndon Johnson. Copies have gone to Los Angeles area Congressmen and both U.S. Senators from California THOMAS KUCHEL and GEORGE MURPHY.

"DEAR MR. PRESIDENT: Residents and organizations in the Los Angeles community share my deep concern that the House Judiciary sub-committee recently failed to recommend Title IV of your proposed Civil Rights legislation for 1966. Since Title IV represents a significant and substantive portion of your proposal, we know that any prospective failure to enact this Title would cause you great concern also.

"We therefore urge that you use all the facilities and influence at your command to assure that nothing short of Title IV, as included in H.R. 14765, introduced by Congressman EMANUEL CELLER, is passed by this Congress.

"Rather than removing or weakening the non-discrimination in housing sections, there is need to supplement and strengthen them. The White House Conference, 'To Fulfill These Rights,' which you called early in June, endorsed the broad outlines of your legislative proposals, but urged strengthening of its enforcement provisions. It is, of course, important that the Federal government establish policies to prevent racial discrimination in the sale or rental of housing, and in financing housing purchases, sales, construction, improvement and repair. Your proposed legislation goes a long way towards establishing these policies.

"However, it is equally vital that the various Federal agencies have adequate and sufficient authority and facilities to implement desired policies. I share the White House Conference views that remedies for housing discrimination should include civil litigation, administrative actions, cease and desist orders and, if necessary, termination of assistance from the Federal government. And as stated in the recommendations of the Conference, 'Those parts of the housing industry benefiting from government mortgage insurance and guarantees should be required to demonstrate that they are merchandising and otherwise encouraging the rental and sale of housing to all without regard to race.'

"Mr. President, segregation in housing is a root cause of many of the evils which beset our society. It results in a terrible isolation of human beings from each other, thus depriving us of valuable insights and experiences, and breeding debilitating ghettos of fear and hostility. It is largely responsible for the recent Office of Education statistics indicating little real progress in school integration. It helps to explain the continued proportionate increase in the Negro unemployment rate, both by sterile association and a deprivation of means and goals which is the consequence of isolated living.

"I therefore cannot urge too strongly that every effort be directed towards passage of a meaningful non-discrimination housing bill and effective enforcement provision. I have asked my friends to urge their Congressional representatives to vigorously support this measure.

"Thank you for your help in this urgent struggle to achieve human dignity for all—now.

"Sincerely yours,

"THOMAS BRADLEY,
"City Councilman, Los Angeles."

I urge each of you to likewise write your Congressman or Senator and the President, expressing your viewpoint. This is part of the democratic tradition of citizen participation. By your letters, and even telephone calls to Congressional offices in the area, you will let your elected representatives know how vital is this issue to you and the entire community.

That this matter is one of the highest urgency is indicated by the failure of the subcommittee of the Judiciary Committee to recommend the key housing portion of the bill. Let us act vigorously now.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, the point I make is that we have provided for machinery to apply to the courts to

rectify any alleged discrimination. Therefore, there is not the need for a Fair Housing Board such as there is with regard to the Fair Employment Practices Act or as to the National Labor Relations Board Act.

Mr. CONYERS. Mr. Chairman, may I point out that under the existing provisions of title IV we might be burdening not only the complainant but the person who is being complained against, the party who may be accused of discriminatory practices, with inordinate and unjustified delay. The property might be tied up for a much longer period by going into court than it would if we have this board. I would again point out that before any board hearing is established, there is an investigation conducted by the Secretary of Housing and Urban Development to determine whether there is validity or merit in the complaint. Up until that time the person complained against or the agency or perhaps the broker would not be subjected to any penalties or difficulties whatsoever. The investigations by the Secretary would eliminate a great many of the complaints in expeditious fashion because he would be able, on his own authority, to dismiss all invalid complaints. Through this the procedure established in section 408 frivolous complaints of housing discrimination would not result in any unjustified burden on property owners, real estate brokers, or mortgage financiers. But in addition it would provide expeditious relief for those who are actually being discriminated against. I would like you to discuss a point that has not been made clear so far.

Section 408 very specifically and carefully separates the judicial function of enforcement, exercised by the Board, from the investigatory functions exercised by the Secretary.

Under the same implicit powers exercised by the General Counsel of the National Labor Relations Board in conciliating labor disputes, and exercised by every other investigatory agency, the Secretary of Housing and Urban Development would investigate and conciliate housing discrimination cases. I would particularly point out that those statements made by any party during the Secretary's attempts at conciliation could not be used in any hearing before the Fair Housing Board. That is only one of many reasons why we separate investigation and conciliation from the more judicial function of holding hearings and providing injunctive-type relief.

Mr. RODINO. Mr. Chairman, I move to strike out the last word and I rise in opposition to the amendment.

Mr. Chairman, might I say that the gentleman from Michigan has effectively answered the gentleman from Illinois. He has cited the reasons for the establishment of this administrative procedure and has explained just what section 408 provides.

Mr. Chairman, this section establishes an administrative process to handle complaints on housing discrimination. It is modeled after the procedures of the National Labor Relations Board in resolving labor disputes.

There are precedents for this kind of action, Mr. Chairman. The precedents are that 16 out of 17 States which have fair housing laws relating to private housing have administrative agencies with comparable powers. This is nothing new. This is something that has been considered by the committee. It is an effective way to deal with complaints of this sort. For that reason, Mr. Chairman, the amendment should be voted down.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. RYAN. Mr. Chairman, may I inquire of the Judiciary Committee whether under section 408(f)(1) it is intended that the Secretary of Housing and Urban Development, after an investigation, shall file a complaint with the Fair Housing Board if there are reasonable grounds to believe a violation has occurred?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. CONYERS. Yes, and only then. I might add that no one can file a complaint with the Fair Housing Board, I might say to the gentleman from New York, but the Secretary of Housing and Urban Development.

Mr. RYAN. Mr. Chairman, am I correct then in assuming that the Secretary is not required to perform a quasi-judicial function?

Mr. CONYERS. That is correct. He has no judicial powers, quasi or otherwise. The judicial function of holding hearings and issuing orders is strictly reserved to the Board.

Mr. RYAN. Purely investigatory.

Mr. CONYERS. That is true; in addition, there is a 6-month statute of limitations on any complaints filed with the Secretary of Housing and Urban Development.

Mr. RODINO. Mr. Chairman, I yield back the balance of my time.

Mr. HICKS. Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman. Of course, the Secretary is not a judicial body but the Board would be a judicial body, and more than just a quasi-judicial body, because the determination they would make would constitute the record in the case you would appeal from that, and the appeal would be on the record that they make.

With regard to those States which have administrative agencies, they also have a court proceeding. Here we have a duplicate matter of enforcement. It seems to me one or the other ought to be removed. I think the Fair Housing Board should be removed since we have given validity to the court procedures in sections 406 and 407. I thank the gentleman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Michigan.

Mr. CONYERS. I should like to clarify what our distinguished colleague from Illinois has pointed out. The Board cannot enforce any of its orders without first going to the circuit courts of appeals, as is customary with the orders of almost all quasi-judicial independent agencies. The Board in and of itself would be powerless to enforce any of the orders that it might issue.

Mr. HICKS. I wish to make this one point. I have had at the desk since yesterday such an amendment as the gentleman from Illinois, a member of the committee, has offered. To me the bad part of this particular bill is not necessarily the Housing Board, but the authority that is being given to the Secretary of Housing and Urban Development. It seems to me, as was pointed out by the gentleman from North Carolina, that we are making one more administrative agency which will burgeon as did the NLRB. The Secretary of Housing and Urban Development, true, would have an investigatory duty only under such rules and regulations as he shall establish, and under these rules and regulations, as stated in (i)—

The Secretary may delegate any power or duty herein granted or imposed to a duly designated representative.

He will delegate it. He will set up a department or a branch in his office. The people manning this new department will be very diligent. They will go out and not only tell the real estate people how to run their business, but they will also tell the banking people how to run their business. You are going to have notices posted around, "We aren't going to be unfair any more," just as the NLRB does, and that is really the bad portion of this bill, regardless of the very great motives that I am sure the gentleman from Michigan has in offering this portion of the bill.

In the city of Tacoma, where the real estate board has developed a standard of practice, which I included in the RECORD the other day, that is outstanding, that would do as much as if the MacGregor amendment had been adopted, they feel very strongly about this matter. I can do no more than concur with them that there is every possibility of harassment if this Fair Housing Board section is continued in the bill.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Ohio.

Mr. McCULLOCH. I am very glad that the statement has been made by our colleague, because it helps to clarify maybe a misunderstanding on the floor here. I refer to paragraph (h) on page 71 of the bill, and I quote it:

Except as provided in subsections (f) and (g) of this section, the Board shall conduct hearings and shall issue and enforce—

I repeat, "shall issue and enforce"—

orders in the same manner and shall be subject to the same conditions and limitations and appellate procedures as are provided for the National Labor Relations Board under section 160 (b), (c), (d), (e), (f), (g), (i), and (j) of title 29, United States Code.

I think that we are granting powers here by this provision of the bill as to which many of us are not fully informed. I join with the gentleman who has the floor.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Mr. Chairman, all I want to say is that I am in support of the gentleman's amendment. There has been misunderstanding about this title of this section of the bill as it existed since it was first mentioned in the committee. For example, my good friend from New Jersey [Mr. RODINO] said it was considered by the committee. I want this Committee to understand that the Judiciary Committee probably gave 2 minutes to its consideration on this matter. It was not even read.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, am I correct in understanding that under the procedure provided under this section, there would be an opportunity for conciliation procedures to be carried out by the Secretary of the Department?

Mr. THOMPSON of New Jersey. That is my understanding.

I will yield to the author to answer it.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

I would like to say that this was considered in the committee. As a matter of fact, the distinguished gentleman on the other side, who raised the question, questioned us during our consideration of this Fair Housing Board.

The Secretary of Housing and Urban Development wrote to me, I would like to say, concerning his deep interest in the conciliation procedure that is inherent in all investigatory agencies and boards, as follows:

It would be my firm policy, in my enforcement activities under that authority, to use conciliation to the fullest extent possible. I would not contemplate filing a complaint against any person alleged to be in violation of Title IV unless unsuccessful efforts had first been made to obtain a satisfactory solution through discussion and conciliation.

Mr. Chairman, at this point, I would like to insert the full text of Secretary Weaver's letter concerning section 408.

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., August 5, 1966.

Hon. JOHN CONYERS, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. CONYERS: I wish to emphasize one very important matter in connection with the authority of the Secretary of Housing and Urban Development under the proposed Fair Housing Board provisions of Title IV of the pending Civil Rights Act of 1966.

It would be my firm policy, in my enforcement activities under that authority, to use conciliation to the fullest extent possible. I would not contemplate filing a complaint against any person alleged to be in violation of Title IV unless unsuccessful efforts had first been made to obtain a satisfactory solution through discussion and conciliation.

This would be consistent with all actions we have heretofore taken in similar enforcement activities and would, I am sure, be consistent with the general policy of the Administration.

Sincerely yours,

ROBERT C. WEAVER.

Mr. THOMPSON of New Jersey. I thank the gentleman.

Mr. Chairman, I have not had a chance to get started yet.

Mr. Chairman, I rise in opposition to the amendment.

The authority given by section 408 to the Secretary of Housing and Urban Development and the Fair Housing Board is essential to the enforcement of title IV.

Many of us supported the amendment of the gentleman from Maryland [Mr. MATHIAS] to reduce the coverage of the bill in order to make it acceptable to the majority of the Members of the House. We hope that the House will not now make unenforceable the antidiscrimination principles in the area in which the bill still applies.

When the administration sent its bill to Congress, it relied for enforcement primarily upon suits by individuals. Under the original administration bill, an individual who has been the subject of discrimination could recover damages for humiliation, pain, and suffering and up to $500 punitive damages. His attorney could obtain reasonable attorney's fees from the discriminator. All this is now removed from the bill and all that is left is the right of the man discriminated against to recover actual damages—if he can afford a lawyer to bring the suit at all.

So title IV as it is written today, relies on the Secretary of Housing and Urban Development and the Fair Housing Board for its enforcement. The Secretary will investigate—and conciliate while he is investigating—and the Board will act in cases presented to it by the Secretary. This method of administrative enforcement has been used by most of the States and municipalities that have fair housing ordinances. This administrative procedure is necessary if title IV is to be enforced. I cannot believe that anyone wants to set up a rule against discrimination and then not provide adequate enforcement.

I hope the amendment will be defeated.

Mr. ROSENTHAL. Mr. Chairman, I rise in opposition to the amendment.

I want to ask a question of the gentleman from Michigan with regard to this section.

In the gentleman's opinion, would most of the cases be resolved without recourse to the Fair Housing Board?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from New York.

I should like to answer that question based not just on personal experience but based on the official report of the National Labor Relations Board for fiscal year 1965, the latest available report.

I was surprised to find out that more than 90 percent of the cases filed with the NLRB were resolved either through dismissal, conciliation, or withdrawal of the complaint.

Mr. ROSENTHAL. Did the gentleman also find in his investigation of the NLRB that something approximating 6 percent of the cases actually did go to the Board for disposition?

Mr. CONYERS. That is absolutely correct.

Mr. ROSENTHAL. Mr. Chairman, I yield back the remainder of my time.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I have listened to the debate on this important amendment, offered by my colleague from Illinois [Mr. MCCLORY].

Frankly, I am utterly and completely appalled that the House this afternoon, with this kind of attendance on the floor, would accept—by voting down this amendment, which undoubtedly will be done—a provision such as this, which was adopted literally at the last moment by the committee without any hearings whatsoever.

There is not a scintilla of evidence in the record before this House today as to what is involved in setting up a monstrosity of this kind.

It is said that 23 million housing units will be covered by this legislation, even in its "watered down" form, and that there will be literally millions of transactions every year. We do not have any idea how many functionaries are going to be required to administer this section of the law.

So far as the statement made by the gentleman from Michigan is concerned, that this Fair Housing Board is going to be without power, apparently he has not read the language of his own section, the section which he offered as an amendment to this bill, because as I read it the very clear language of that section says that that Board will have the power to issue cease and desist orders and it will have the power to enforce these orders against private citizens in this country.

Frankly, it is shocking that the record of this House on this point has been so poorly made as it has been this afternoon.

Mr. MCCLORY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. MCCLORY. I want to reject completely the statement made by the gentleman from New Jersey, who stated that there was no opportunity to receive damages under this legislation as presently before the House.

Not only can there be relief under the Fair Housing Board, whatever that might amount to, including specific performance, but also, as we read section 406(c), we see that the Federal court in the other available proceedings, in duplicating proceeding, can award actual damages to the plaintiff and enter such other orders including the actual damages.

What we are doing here is setting up a duplicate enforcement authority. The

person can go into court to get relief of a kind, and he can go before the Board and get some other kind of relief.

There is not one word in this section which says anything about conciliation. If they are to have any conciliation or adjustment, that will be dependent upon rules and regulations which this Board may or may not make.

Mr. ANDERSON of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Chairman, to carry forward the point the gentleman from Illinois just made, there is a specific section of the bill, starting at line 14, page 72, which says just exactly what assistance by the Secretary of Housing and Urban Development shall offer, but when we read the language of that section, we do not find one word about conciliation. The intent of this section is very clear; it is to bring the violators of the language of this section before a so-called Fair Housing Board for the issuance of cease-and-desist orders. That is not my idea of conciliation.

This is a provision which I believe a lot of people in this country are going to find shocking. They are not going to like it when they find that this kind of language has been written into this bill.

I urge support of the amendment offered by the gentleman from Illinois [Mr. MCCLORY].

Mr. RYAN. Mr. Chairman, I rise in opposition to the amendment. I strongly support the inclusion in this bill of the Fair Housing Board as proposed by the distinguished gentleman from Michigan [Mr. CONYERS]. I want to commend him for his leadership on this important proposal.

The history of fair housing laws in virtually all of the States makes it clear that the laws have no effect if they are not supported by an enforcement agency.

In New York, for example, the State commission for human rights acts as the Fair Housing Board would under this title. I would be the last to argue that the fair housing law has completely ended discrimination in New York, but I can state emphatically that what effect it has had has been due to the work of the administrative agency.

I am convinced that the Fair Housing Board is vital to the success of title IV. In my testimony before the Judiciary Committee on May 10, 1966, I urged that such a board be created under this title. In the 87th and 88th Congress the legislation which I introduced to prohibit discrimination in housing would have used the Civil Rights Commission as an enforcement agency.

Mr. Chairman, I strongly urge my colleagues to vote against this amendment and to support the creation of a Fair Housing Board, which would serve as a strong force in the Government's effort to eliminate discrimination in housing.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from New York for yielding to me.

I would like to comment about the extent of the Judiciary Committee's consideration of this section that has been alluded to by many of those supporting the motion to strike the Fair Housing Board, the only provision for enforcement without going into court that exists in title IV. It just so happens that I happen to be the freshman member on the Committee on the Judiciary. It is not customary in this committee that junior members introduce amendments before other members of the committee. This amendment came up in the closing hours of the discussion, because I brought it up after the other members had offered their amendments to title IV.

I think that there should be some comment made here about the parallel forms of relief that are available in court and before the Commission. I think that all of the attorneys involved in working on the language of this bill, and certainly those on the Committee on the Judiciary, took this into very full consideration, Mr. Chairman, when we made it perfectly clear that there would be a staying order issued. This is standard and customary procedure in any court. When an agency or a board has jurisdiction of a matter, the court would stay any action or hearing on the case until it had been disposed of by the Board or the Secretary. I do not think that is subject to a lot of debate.

Mr. MCCLORY. Mr. Chairman, will the gentleman yield to me? Because that is not just plain fact. It is up to the full discretion of the court.

Mr. RYAN. Mr. Chairman, I yield back the balance of my time.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wholeheartedly support this amendment, but I take this time because it points up the need for the concern in the motives and the long-range program that we are faced with in title IV of this bill. In the 10 years I have been a Member of this Congress I have not experienced any bill or any provision in any bill with more ambiguities or a greater inability to get any factual information on the enforcement and administrative provisions of this one.

Mr. Chairman, I would like any member of this committee to answer a questior or two for me at this point so that I might determine their motives and how this particular amendment would apply at some time in the future. I direct these questions to any member of this committee that reported this bill.

First, as I understand it, title IV as it was originally introduced covered individual real estate sales which subsequently was removed by the amended title IV before the bill was brought to the Committee on Rules. Is that correct?

Mr. CONYERS. I think that is correct.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. MACGREGOR. Title IV as recommended by the administration and as introduced by the distinguished chairman of the Committee on the Judiciary [Mr. CELLER], was not considered by the subcommittee. It was forwarded by the subcommittee to the full committee without any recommendation. So that title IV came to the full committee in the form in which it was originally introduced without recommendation or consideration by the subcommittee.

Mr. COLLIER. I thank the gentleman. Now may I ask—and I presume this action was taken because in the judgment of the committee it was an improvement over the original bill.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield to me at that point?

Mr. COLLIER. I will be delighted to yield if you will answer my question.

Mr. ROGERS of Colorado. Yes. If you will take the bill, H.R. 14765, and turn to page 25 and follow down to page 36, you will find the original title IV that was introduced by the chairman of the Judiciary Committee and which was reported in that form by the subcommittee without recommendation to the full committee. Then if you will turn to page 61 under title IV——

Mr. COLLIER. Mr. Chairman, I can see where I am not going to get an answer here, and you will use up all my time. May I simplify my question by asking this: Was title IV as it was brought to the floor of this House an improvement, in the opinion of anybody on either side?

Mr. ROGERS of Colorado. Yes, sir.

Mr. COLLIER. It was an improvement?

Mr. ROGERS of Colorado. Everybody agrees to that.

Mr. COLLIER. Fine. Then, that leads to my next question. If it was an improvement, am I then to believe that in the next session of this Congress, if a new title IV is brought to the floor which will cover every individual real estate transaction, that the gentleman will oppose it?

Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield for a statement?

Mr. COLLIER. I shall be delighted to yield to the gentleman from Ohio.

Mr. MCCULLOCH. Mr. Chairman, this part of title IV did not in my opinion have the approval of all members of the Committee on the Judiciary.

Mr. Chairman, in accordance with long-accepted practice, bills are sometimes reported to the House with parts thereof opposed by the members of the Committee on the Judiciary.

Mr. Chairman, I am sure that is the case with respect to the amendment in question. It came at the last moment in consideration of the legislation.

Mr. Chairman, it has been said by our colleague, the gentleman from Illinois [Mr. MCCLORY], that little or no debate in the full committee of the House Committee on the Judiciary was had, and, finally, if the gentleman from Illinois will yield to me further, this part of the title was not a part of the original administration bill.

Mr. COLLIER. It was not?

Therefore am I to assume that the committee tried to get an amendment to this bill as reported to this House, which was an improvement over the administration bill?

Mr. Chairman, if the bill as amended is an improvement, as stated is an improvement I would like to place in the RECORD the fact that if a bill is introduced in the next session of Congress which reverts to coverage of individual real estate sales those who support it in the face of saying title IV of the 1966 act is an improvement over the original H.R. 14765, they will be ridiculously inconsistent. And that may be the understatement of the year.

The general public is not as naive as this Congress may think. In fact, I feel sure that many of my colleagues will find this to be an accurate statement before the inevitable passage of this bill.

On the other hand, perhaps I am giving many of my distinguished fellow Members of this House every benefit of doubt. Or maybe it is they who are naive. I make these prefacing remarks because I have witnessed quite a display of legislative maneuvering on certain amendments offered to this bill and, particularly, the one which was adopted by a slim margin of 190 to 189 Wednesday. The amendment further weakened title IV of the bill, which had already undergone surgery at the last minute in committee, in order to make it politically palatable. Yet, I cannot believe that there are very many Members of this House, particularly those who have been in the Congress for several years such as I, who are not entirely aware of the fact that the forced housing provision of this bill is merely a forerunner to leglislation that will be brought before us in the next session of Congress.

For just as sure as we indulged in legislative calisthenics for political consumption back home, we are going to have another bill in the next session of Congress which will nullify title IV in any amended form to provide for coverage of every real estate transaction, whether by an individual or his agent and regardless of what instructions may be provided under this very temporary provision.

Refute if you like this conclusion, but the history of civil rights legislation in this Congress defies such refutation. I cite the changes that have been made in the basic Civil Rights Act of 1964, which I supported, and which came about before the ink was even dry on the original document, to use an expression. Specifically, we included in the 1964 Civil Rights Act a fair employment practice provision, which law everyone extolled as the answer to discriminatory hiring practices. It went into effect July 1 of 1965, yet before we had even 10 months' experience with the law, this Congress completely revised it to bring its application down to cover places of business with only eight employees and changed completely the basic procedure of determining guilt under the law.

How can a law be regarded as a good and necessary piece of legislation one year, yet totally inadequate less than 10 months after its effective date? It just does not make sense. The fact of the matter is that the authors of this legislation and its ardent proponents are merely employing cagey tactics, knowing full well that they can draw into their fold a number of their colleagues with their camel's nose under the tent approach. There is no doubt that they realize also that they soften the blow by establishing a legislative precedent which appears to be reasonably inoffensive to start. It is sort of a one-two punch attack, with the second one often landing in the solar plexus.

Not that my words will do any more than fall upon deaf ears at this point of predetermination in this debate, but I do want the record to show that this legislation and all of the legislative calisthenics in which we have been engaged thus far will culminate in the ultimate adoption of title IV as originally presented in this bill, which has not only raised very serious constitutional questions, but which would have been so politically unpalatable to Members of this body this year that it could not have passed.

There is another aspect of this very serious problem of civil rights upon which I feel disposed to comment for I cannot believe that any Member of this body can be unaware of it. It is a sad fact that emotionalism, which surrounds any issue involving civil rights, makes it virtually impossible to deal with on a strictly constitutional, rather than racial, basis. Perhaps the best example of the situation to which I am presently addressing my remarks lies in the statement on this floor yesterday by one of my respected colleagues from New York and a member of my own political party who said, "But I want to reduce this entire question to one common denominator: When we get to the end of the debate on title IV the question should and will be, Are you for or against discrimination?"

Responding to this conclusion, I am reminded of the words of the great contemporary statesman, Bernard Baruch, who said:

> Every man has the right to his opinion, but no man has the right to be wrong in his facts.

Certainly, if the question involved in title IV of this bill, no matter how it may be camouflaged in amendments and exalted verbiage, were as simple as that, one would hardly need the hours of debate and legal expertise that has gone into the writing of this bill. Unfortunately, the idea of slapping an unfair label upon those who do not believe in discrimination, but are willing to pursue the courage of their convictions on any other basic aspect of the law is a rather sad commentary these days.

If ever there was a time when tolerance must be extended beyond the political aspects of any issue, it is today. I do not believe that the words "civil rights" are so sacred in the light that they are projected today that we should attempt to achieve by legislation civil rights which invade the fundamental civil rights of someone else. In my own case, I have supported many civil rights measures, both in the form of completed bills and amendments in the 10 years I have been a Member of Congress, but I shall continue to reserve the right to exercise my own judgment on each and every bill of this nature as long as I am a Member of Congress.

I would again be remiss if I did not point out that merely disagreeing with the prejudice of others—and indeed I do, does not give me the right to impose through legislation my personal moral attitudes upon my fellow man. Instead, though I may personally disagree with him, I feel that I must evaluate my judgment on many fundamental and legal concepts which certainly embrace the traditional rights of private property and private ownership.

Recently a prominent judge in rendering an opinion with regard to the Constitutionality of forced housing in my home State of Illinois said:

> The whole effect of such a law would be to divest title or leasehold interest in one person and transfer it to another. Thus the ultimate goal of such action is to enable a private individual to acquire property of another without the consent of and contrary to the wishes of the owner of the property.

Again I repeat that it is not a question of whether I feel that the owner of any property is exercising prejudice or intolerance in the rights that go with his private ownership. It is, instead, a fundamental constitutional question.

In conclusion, I laud my colleague from West Virginia, Representative ARCH M. MOORE, distinguished member of the House Committee on the Judiciary, for his summary of the Civil Rights Act of 1966, and I recommend its reading to everyone understandably concerned with and interested in this difficult and pressing issue. It will indeed be interesting to reread his comments 4, 5, or 10 years from now. I believe that his evaluation and conclusions will be established as the most accurate appraisal of this problem when the full chapter of civil rights legislation is written into history.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I see on page 71, line 4, that this board shall have the same powers and shall be subject to the same conditions and limitations as provided for in the National Labor Relations Board, and so on.

Mr. Chairman, if this Board is going to have any powers like the NLRB, and if it going to have a record like that Board has, then I say that this proposal ought to be defeated.

Mr. Chairman, the gentleman from New Jersey who spoke earlier in support of this amendment has requested the sum of $50,000 from the House Com-

mittee on Administration this year for the purpose of investigating the NLRB.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I shall yield to the gentleman from New Jersey when I have finished my statement.

Mr. THOMPSON of New Jersey. Mr. Chairman, the gentleman from Illinois used my name.

Mr. PUCINSKI. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. It is true that I made that request, and that the Committee on House Administration has not yet given to me the money for the purpose of this investigation.

But I might point out, however, that I have investigated very thoroughly the recent activities and operations of the NLRB, and in my opinion they are to be commended.

Mr. PUCINSKI. All right; that is the gentleman's opinion. And, apparently, they do not need the $50,000 for this investigation, because they already have the judgment on it.

But, Mr. Chairman, I say that we already have in this bill adequate provisions whereby the Attorney General can bring action in a district court, wherever there is any evidence of discrimination, and I further believe that those provisions are sufficient under title IV.

Mr. Chairman, the administration is not asking for this Board. Neither President Johnson nor the Attorney General have requested establishment of such a Board. It is obvious to me that this proposal is just another effort by an agency to grab more power. I believe that there is great merit in the statement that there have been no hearings held on the question of the establishment of this Board.

Mr. Chairman, if this agency is to have the same power as the NLRB, this is the best argument I can think of to defeat this proposal. I urge you to support the amendment of the gentleman from Illinois if you don't want some Government employee harassing every homeowner in this country.

Mr. Chairman, I yield back the balance of my time.

Mr. VIVIAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the constitution of my State of Michigan and the ordinances of my own city of Ann Arbor contain provisions assuring uniform opportunity to acquire housing to all, provisions generally similar to or stronger than those in the bill before us. Until recently, however, when an action occurred which violated these laws, the persons offended found that a delay of many, many months occurred before legal steps taken which benefited them could be consummated.

The result was, that few complainants who initiate and persist in legal action have been individuals who received strong support from civil rights organizations.

Mr. Chairman, very few individual families benefited under these laws until recently when administrative proceedings by local commissions became more effective.

Therefore, it would seem to me that the handful of you on the opposite side of the aisle here who desire this law, who want it to go into effect, who have encouraged its consideration, and who have had the courage to support it, and who I am convinced would like it to aid the single family—"little people," as well as aid organizations—that you should help keep in this section.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. VIVIAN. I yield to the gentleman.

Mr. McCLORY. I would like to respond to the gentleman.

Mr. Chairman, the legislation itself, sections 406 and 407, authorizes the granting of an immediate injunction including a permanent or temporary injunction, or restraining order. A person is entitled to get immediate relief under sections 406 and 407 but there is no assurance he can get immediate relief from the Fair Housing Board any more than from the National Labor Relations Board. It could drag on for years.

Mr. VIVIAN. Mr. Chairman, I would like to respond to that.

In my State of Michigan we have had civil rights laws without commission enforcement for many years. But it has been only through initiative recently shown by local and State boards that we have begun to make some progress.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. VIVIAN. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I want to thank my distinguished colleague, the gentleman from Michigan [Mr. VIVIAN].

And, Mr. Chairman, I would like to clarify something that seems to be a source of concern to many of the Members. This amendment was heard and deliberated on by the Judiciary Committee in the same manner as was every other part of the Civil Rights Act of 1966.

I apologize for not being a more senior member of the Judiciary Committee so that I could have introduced the amendment at an earlier stage. It was discussed. It was debated. And it was overwhelmingly passed in the full Committee on the Judiciary.

Mr. Chairman, I think we should not penalize a portion of a bill that has been reported by a committee just because it happens to be the last substantive amendment that succeeded in passing.

Mr. Chairman, with regard to the fact that there is a Federal court remedy in the bill, I should like to point out that we are trying to cut down the number of court cases by means of this Fair Housing Board. We are trying to provide the little homeowner, the small broker, if you please, with a forum that will not involve expensive litigation and court procedures. The one way that we can do it—and it is already in use by 16 of the States having civil rights commissions—is to provide for administrative relief.

Mr. Chairman, at this point I would like to insert in the RECORD a memorandum from the Legislative Reference Service listing the 16 States which have administrative boards with similar powers to the Federal Fair Housing Board established by section 408:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C. August 2, 1966.

To: Hon. JOHN J. CONYERS, JR., Attention: Larry Horwitz.

From: American Law Division.

Subject: State Fair Housing Commissions.

Reference is made to your conversation of above date with Mr. Vincent A. Doyle during which you requested information concerning fair housing commissions. Specifically, you requested a tabulation of states which have administrative bodies authorized to issue cease and desist orders along the lines of the proposed federal Fair Housing Board, Title IV, H.R. 14765, H. Rept. 1678, 89th Congress, 2nd Session.

As of May 20, 1966, twenty states, the District of Columbia, Puerto Rico, and the Virgin Islands, had laws banning discrimination in one or more kinds of housing (Public Housing, Urban Renewal Housing, Other Publicly Assisted Housing—FHA, etc.—or Private Housing.) Of this number, 17 states had fair housing laws relating to private housing. Sixteen states provide for enforcement of their private fair housing law by an administrative body empowered to issue cease and desist orders analogous to the proposed Federal Fair Housing Board.

1. *Alaska:* State Commission for Human Rights. Creation, Alaska Stat. § 18.80.010; power to issue orders, Alaska. Stat. § 18.80. 130.

2. *California:* Fair Employment Commission. Creation, California Labor Code § 1414; power to issue orders, California Health and Safety Code § 35738.

3. *Colorado:* Civil Rights Commission. Creation, Colorado Rev. Stat. Ann. § 80-21-4; power to issue orders, Colorado Rev. Stat. Ann. § 69–7–6(d) (12).

4. *Connecticut:* Commission on Civil Rights. Creation, Conn. Gen. Stat. Rev. § 41–123; power to issue orders, Conn. Gen. Stat. Rev. § 31–127.

5. *Indiana:* Civil Rights Commission. Creation, Indiana Ann. Stat., § 40–2310; power to issue orders, Indiana Ann. Stat. § 40–2312.

6. *Massachusetts:* Massachusetts Commission Against Discrimination. Creation, Mass. Ann. Laws, ch. 6, § 56; power to issue orders, Mass. Ann. Laws ch. 151B, § 5.

7. *Michigan:* Civil Rights Commission. Creation, Mich. Const. Art. V, § 29; power to issue orders, Mich. Stat. Ann. § 17.458(7) (h).

8. *Minnesota:* State Commission Against Discrimination. Creation, Minn. Stat. Ann. § 363.04; power to issue orders, Minn. Stat. Ann. § 363.07(4).

9. *New Hampshire:* State Commission Against Discrimination. Creation, N.H. Rev. Stat. Ann. §354–A: 4; power to issue orders, N.H. Rev. Stat. Ann. § 354–A:9.

10. *New Jersey:* Division on Civil Rights. Creation, N.J. Stat. Ann. § 18:25–6; power to issue orders, N.J. Stat. Ann. § 18:25–17.

11. *New York:* State Commission for Human Rights. Creation, N.Y. Executive Law § 293; power to issue orders, N.Y. Executive Law § 297(e).

12. *Ohio:* Ohio Civil Rights Commission. Creation, Page's Ohio. Rev. Code § 4112.02; power to issue orders, Page's Ohio. Rev. Code § 4112.05(G).

13. *Oregon:* Bureau of Labor. Authority to deal with housing discrimination, Ore. Rev. Stat. § 659.054; power to issue orders, Ore. Rev. Stat. § 659.060.

14. *Pennsylvania:* Pennsylvania Human Relations Commission. Creation, Pa. Stat.

Ann. § 956; power to issue orders, Pa. Stat. Ann. § 959.

15. *Rhode Island:* Rhode Island Commission Against Discrimination. Creation, R. I. Gen. Laws Ann. §§ 28–5–1 to 28–5–39; power to issue orders, R. I. Gen. Laws Ann. §34–37–5 (14).

16. *Wisconsin:* Equal Opportunities Division of the Industrial Commission. Authority to administer, Wis. Stat. Ann. § 101.60(d)(3); power to issue orders, Wis. Stat. Ann. § 101.60 (d)(c).

RAYMOND J. CELADA,
Legislative Attorney,
American Law Division.

AUGUST 2, 1966.

The best way that we can do it is to set up a commonsense procedure. Investigations are conducted by the Secretary of Housing and Urban Development. He cannot issue any order. If there is no merit in the complaint, it is dismissed. If there is merit to the complaint, he attempts to conciliate it. If he cannot conciliate it then and only then does he refer it to the Board. In no other way can a complaint reach the Fair Housing Board. I think that should be made very, very clear.

Mr. VIVIAN. Mr. Chairman, I repeat again, those of you on the other side who have shown courage in supporting this bill so far, and who I am sure desire to help "little people," should keep this section in the bill.

Mr. DOWDY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DOWDY. Mr. Chairman, I understood when we started on this limited time that the Chair had stated that the time of the Members who had amendments would be heard. It seems to me all this time is being consumed by people who voted to limit the time.

The CHAIRMAN. The Chair must tell the gentleman from Texas that he has not stated a parliamentary inquiry.

Mr. DOWDY. Is it the Chairman's intention to carry out his promise at the beginning that Members who had amendments at the desk would be given time to be heard?

The CHAIRMAN. The Chair has stated that he would do his best to hear Members for and against amendments and that he would give preference to those who had amendments. The Chair made no commitments.

Mr. RUMSFELD. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I simply want to point out to the Members of the Committee that the Congress of the United States created the Community Relations Service in the 1964 Civil Rights Act. It exists today. Only a few weeks ago we considered a reorganization plan in the Government Operations Committee which transferred the Community Relations Service to the Department of Justice. That plan was approved by this House.

One of the things that were brought out in the debate was the fact that the Community Relations Service did not have a heavy workload, because the expected number of cases arising from public accommodations legislation in 1964 did not materialize.

The gentleman from Michigan, the author of this section of title IV of the bill, has said that the purpose of the Fair Housing Board would be to act to avoid court cases through conciliation. He talked about the fact that the States have conciliation services. But I have not heard anyone admit that the U.S. Government already has a general-purpose conciliatory body in the Community Relations Service, that it is presently equipped, functioning, and can do exactly the same job the gentleman is trying to put forward for his Fair Housing Board to do.

It seems to me that in the absence of any discussion of this subject, the admission on the part of the gentleman from Michigan [Mr. CONYERS], to the effect that the States have conciliation boards in many cases, points up the fact, as has been stated by the proponents of the amendment, that this is duplicatory; it is unnecessary, and this Committee would be well advised to recognize that the Judiciary Committee did not give full thought to this question. I think we should support the amendment and strike that provision from the bill.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I yield to my colleague from Illinois.

Mr. McCLORY. I just wanted to point out that in the Judiciary Committee we undertook, in the provision relating to court procedures, to take care of the little fellow. We authorized the appointment of an attorney and the payment of attorney's fees and the court costs. We have made provision for the little fellow in this legislation already. To authorize now a great Federal bureaucracy, a great Federal agency, would not be consistent with trying to take care of the little fellow but would burden him with all kinds of things with which he should not be burdened.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Florida.

Mr. CRAMER. I should like to propound a question of the gentleman from New Jersey or the gentleman from Colorado, who are the managers of this bill. The leadership of the bill has consistently upheld the infallibility of the Judiciary Committee by opposing amendments. Have the gentlemen spoken on this issue? Would the gentlemen indicate what the position of the leadership on this bill will be relating to this amendment? Do they want it in or out?

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from New Jersey.

Mr. RODINO. I support the provision that is included in the bill, and I oppose the amendment that would strike that provision.

I would like to state further that we have accepted some amendments offered by the gentleman from Florida.

Mr. RUMSFELD. The gentleman from New Jersey is correct. There have been some amendments accepted. The point is not whether they are accepted. The point is, what are we acting on? We are acting on the creation of a Fair Housing Board, which, in view of the very existence of the Community Relations Service, is not necessary. There cannot be a Member in this Chamber who could give one valid reason why the Federal Government should establish a completely duplicative Fair Housing Board. I am sure that is why the Attorney General of the United States did not ask for it, did not testify in favor of it, and why the administration is not seeking it. It is unnecessary.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman. I think the first thing that should be cleared up in this discussion is the reference that has been made to the Community Relations Service. As has been suggested, that is a very appropriate remedy for conciliation purposes. I would like to point out to the distinguished gentleman that the Community Relations Service is going to be involved since the Secretary of Housing and Urban Development, under section 409(d), can call upon the Service for assistance and cooperation. However, the Community Relations Service is completely unprepared to assume, sir, the full responsibility of acting as arbiter in housing disputes that might arise under this provision.

Because of the Housing and Urban Development Department's intimate involvement with all aspects of the housing and financing field it has the expertise which is necessary to be helpful in conciliating housing discrimination problems.

It would seem incredible to ask a newly founded agency, with no expertise at all in the housing field, to mediate these disputes when we already have an agency in the Government which is well-equipped and prepared to fulfill this function.

Mr. RUMSFELD. The point I wanted to make is that when we transferred the Community Relations Service to the Department of Justice a few weeks ago, they specifically said they were planning to enlarge the Community Relations Service. I do not know what your idea of large or small is, but it seems to me this is clearly the agency to do the job you are describing.

I do hope that the membership will support the amendment.

Mr. FRASER. I would like to ask the gentleman from Michigan a question or two if I may. Do I understand under the procedures authorized for the Fair Housing Board, that implicit in its operation is the opportunity to utilize conciliation procedures?

Mr. CONYERS. Yes, I will be glad to attempt to answer my distinguished colleague. As I mentioned earlier, the Secretary of Housing and Urban Devel-

opment has sent me a letter in which he has committed himself to emphasize the conciliation process in the course of his investigation.

We have found further that conciliation works. Regardless of the opinion that any of the Members might hold of the NLRB, over 90 percent of the cases filed with it are settled through either dismissal, conciliation, or withdrawal of the complaint. There is no language in the NLRA—and it has been working for 31 years—about conciliation, because conciliation is inherent in all investigatory agencies.

Mr. FRASER. I thank the gentleman. I want to emphasize what has been said by others, which is, Mr. Chairman, that if this Fair Housing Board is taken out, it destroys the only effective means of bringing conciliatory procedures to bear on the enforcement of the fair housing provisions.

I believe it would be an enormous mistake to take this out. Our experience in the State of Minnesota has been that conciliation is by all odds the most effective means for both education and action in the field of fair housing.

I strongly urge the House to reject this amendment.

Mr. WHITENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITENER. Mr. Chairman, in view of the fact that we were assured there would be an opportunity to offer amendments and debate them, and in view of the fact that the Members of the House, who have spoken at such length, voted to cut off debate, would it be in order to ask that debate on this amendment be closed off at this point?

The CHAIRMAN. Yes, indeed. Does the gentleman so request?

Mr. WHITENER. I so request.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. It is so ordered.

The question is on the amendment offered by Mr. McCLORY.

The question was taken; and on a division (demanded by Mr. McCLORY) there were—ayes 51, noes 70.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: In the so-called Mathias perfecting amendment, strike the words "If such instruction was not encouraged, solicited, or induced by such broker, agent, or salesman, or any employee or agent thereof."

Mr. KREBS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KREBS. That is an amendment to the Mathias amendment, which has been disposed of by this Committee.

The CHAIRMAN. The gentleman from New Jersey makes a point of order. Does the gentleman from Texas desire to be heard?

Mr. DOWDY. Mr. Chairman, the agreement we had was that after the motion to strike was disposed of we would take up amendments to title IV. This amendment is an amendment to title IV, to a perfecting amendment that was adopted pending the motion to strike.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard?

Mr. KREBS. Mr. Chairman, I make the point that this amendment was not offered in a timely manner, since the Mathias amendment has already been disposed of by this Committee.

The CHAIRMAN. Does the gentleman from Texas desire to be heard further?

Mr. DOWDY. I believe I have made my point, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule.

The point of order is sustained because of the fact that this matter has already been acted upon and this is, in effect, an effort to amend an amendment that has been agreed to.

Mr. DOWDY. Mr. Chairman, I disagree.

I move to strike the requisite number of words.

When agreement was made yesterday that the Moore amendment debate would be limited, it was also understood that title IV would afterward be open for debate and amendment. Yet today, the very first thing we have is an unconscionable limitation and cloture placed on the debate of a most important and highly controversial title, which is ambiguous to a great extent. Under the terms of the agreement entered into yesterday, many of us held up our amendments, expecting to debate them today. We feel betrayed.

Now, I want to talk about the Mathias amendment. We are going to have to vote on this, presumably after the Committee finally rises on this bill.

The gentleman from Maryland said that his amendment did not do anything one way or the other. He was in part correct, but that does not apply to the last part of his amendment, the part to which I attempted to offer an amendment to strike; that is, to the language:

If such instruction was not encouraged, solicited, or induced by such broker, agent, or salesman, or any employee or agent thereof.

Those words place a greater burden upon the real estate dealers and the brokers and the builders and so on, as covered by the bill. Consequently, this amendment is bad. It is more restrictive. It will hurt anybody who is in business concerning dwellings.

I use the word "dwellings" because that is what is used in the bill.

The Mathias amendment makes the bill worse rather than better. The gentleman from Maryland was incorrect when he said it did not do anything at all.

The language of his amendment, which has been adopted by the committee, would make it impossible for a person who wanted to sell his home to get any advice from a realtor, builder, or their agents, salesmen or representatives, who are under the restrictions of this bill. The seller, be it a recent widow, or anyone else, might well find that her attorney would be forbidden under this title to advise her.

This is undue and unconscionable restriction on the professions involved, and on the right of individuals to advice of counsel. The Mathias amendment is so restrictive as to call for its defeat when the proper time comes.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 63, line 25, insert a period in lieu of the comma after the word "origin," and strike the words: "or to fail or refuse to use his best efforts to consummate any sale, rental, or lease because of the race, color, religion, or national origin of any party to the prospective sale, rental, or lease."

The CHAIRMAN. The gentleman from North Carolina is recognized in support of his amendment.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. I shall be appreciative if the gentleman will clarify language of the bill.

Specifically on page 62, line 3, it says that the term "person" includes one or more individuals, and so on. I wish to inquire as to whether or not the term "person" or "individual" includes women?

Mr. WHITENER. I suppose I am not a very good one to try to explain this. Yesterday I pointed out this type of thing, and I was accused of—what was it?—obfuscating the issues, or something.

Mrs. BOLTON. I certainly am not attempting to obfuscate the issues.

Mr. WHITENER. Whatever "obfuscating" is, I do not believe the lady or I would do that.

Mrs. BOLTON. Might the gentleman give me an answer as to whether or not the term "person" or "individual" includes women?

Mr. WHITENER. I will ask my friend, Mr. RODINO of New Jersey, if he will answer the gentlewoman's question.

Mr. RODINO. Well, cannot an "individual" include a woman? I ask that question. I think the question answers itself.

Mrs. BOLTON. I think the gentleman has the point but just the wrong side. My question is whether a woman is to be considered as a "person" or "individual" under this title of the bill?

Mr. RODINO. Is not a woman a "person"?

Mrs. BOLTON. Yes. I certainly see this to be the case, although sometimes we are not considered so. I was wondering if this bill so considers women?

Mr. RODINO. The gentleman from New Jersey has not only always considered them as persons but very fine persons.

Mrs. BOLTON. But as legally defined in the bill what does the term "persons" mean?

Mr. RODINO. Well, I am sure that the term "person" as defined in the bill includes women, it includes men, and it includes individuals, both men and women. Therefore, I am sure that a "person" would include women. I do not know how much clearer we can make it.

Mr. WHITENER. Now, if we can get back to home plate for just a minute, I think what the gentlewoman wants to know is whether or not under this bill members of her sex are protected from the type of discrimination which is alleged to exist on the basis of race, color, national origin, economic status, and a few others.

Mrs. BOLTON. But the bill has left out the women in several instances. We have found ourselves left out so many times, may I say, that I had hoped I might have a very clear answer, a yes or no answer, to my question as to the status of women under title IV. If it is no, then I would offer an amendment. The gentleman from New Jersey [Mr. RODINO], has stated that women are included in the definition of "persons." Accordingly I have not offered my amendment.

Mr. WHITENER. I will yield to the gentleman from Virginia who I know the gentlewoman will remember, when we had another civil rights bill up, was very considerate of this point.

Mrs. BOLTON. Yes. I had a very nice time with the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, if the gentleman will yield to me, I can very easily hand in the amendment which I have in my hand, which would include ladies and those who are excepted and take care of the situation all right.

Mr. WHITENER. Perhaps we can get together, the three of us, and form a triangle and get this amendment considered later. If I may get back to the amendment I offered, this is a rather unusual piece of legislation in that it says it shall be unlawful for a realtor, his agent, servant, salesman, employee, or any other person to fail or to refuse to use his "best efforts" to consummate a sale. All my amendment would do would be to strike out that language, because it is a rather nonsensical thing to say that a professional man has to use his best efforts. Who is going to determine that? As I pointed out on the first day of the debate, as a member of the legal profession, I do not think I have ever tried a lawsuit and I know I have never tried one which I lost when after it was all over I did not wonder why did I not do something more. Sometimes in retrospect I felt that I had not given my best efforts to it and thought that if I had spent another hour in the library the previous night perhaps I would have won it. Would anybody in this room say that we ought to enact a statute which requires, let us say, an architect, a doctor, a barber, a plumber, a beautician, or a member of any other profession to use their "best efforts" or otherwise be subject to being brought into court? Why, I heard on the radio last night in connection with this airline strike that we are so concerned about now that the head of the machinists union said if we pass legislation here which would stop the strike, his men would probably be much more careful in the repair work they do on the planes. When he was asked if that meant a slowdown, he said no, just the time necessary to "protect the public safety."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACGREGOR. Mr. Chairman, in the light of the fact that the gentleman from North Carolina lost part of his time in a meritorious cause, I ask unanimous consent that he may proceed for 2 additional minutes.

Mr. WHITENER. I would like to express my appreciation to the gentleman for that, but we have some other amendments, and I think this is clear already and I would like for us to get to a vote on it.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, all that we require in this section is that the person who is a real estate agent, broker, or salesman, uses the same efforts when he is involved in this kind of transaction, irrespective of race, color, religion, or national origin, of any party to the transaction.

Mr. Chairman, this is all that these words mean.

Mr. Chairman, when we use the words "fail or refuse to use his best efforts," we mean that the person who is involved in this kind of transaction should not discriminate on account of race, color, religion, or national origin.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. RODINO. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. MACGREGOR].

Mr. MACGREGOR. Am I not correct, and may I say to the gentleman from New Jersey [Mr. RODINO] that this language "to use his best efforts" is taken from the realtors' code in many States, a part of which contains the realtors' code for the State of Washington which was injected into the RECORD by the gentleman from Washington [Mr. HICKS], I believe.

Mr. RODINO. Mr. Chairman, I am not aware of the fact that this language is taken from the realtors' code.

Mr. MACGREGOR. Mr. Chairman, if the gentleman will yield further, might I say that it is the same wording and essentially the same phraseology, in many instances?

Mr. ASHMORE. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Who is going to determine when a lawyer has used his best efforts?

Mr. RODINO. We are talking about real estate brokers or others engaged in the business of selling housing.

Mr. ASHMORE. Well, a real estate man.

Mr. RODINO. It is always a question of fact.

Mr. ASHMORE. Who is going to determine the question of fact?

Mr. RODINO. A court determines the question of fact.

Mr. ASHMORE. There it is again. It has to be brought into court again.

Mr. RODINO. If he does not discriminate, then a suit will not be sustained.

Mr. ASHMORE. Mr. Chairman, if the gentleman will yield further, if you furnish a lawyer and then they get the Attorney General to come in, he can sue him, also, is that not right?

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 65, line 19, strike out "that makes mortgage" and insert "regularly engaged in the business of making mortgages."

Mr. CRAMER. Mr. Chairman, this involves the question that was discussed yesterday, pretty much at length, relating to lending institutions and individuals or persons who are engaged in that business.

Mr. Chairman, it is unfortunate that the debate has been cut off. As I stated yesterday, there were about four amendments relating to trial by jury, and to the "Mrs. Murphy" situation, and there was no answer to these proposed amendments.

Mr. Chairman, this is the only way in my opinion to obtain an answer, and that is to do it on the floor of the House.

Yesterday, I agreed, as one, to not offer any amendments until after the motion was disposed of, the motion offered by the gentleman from West Virginia [Mr. MOORE]. At that time I was given to understand that we would have an unlimited opportunity for debate today. Now that has been cut off.

Mr. Chairman, we have only 1 hour left. We have, perhaps, 10 or 12 amendments still pending for the consideration of the Committee of the Whole House on the State of the Union. This is one amendment that I believe deserves serious consideration, in that the prohibition relating to preventing discrimination in the financing of housing as it relates to our finnancing institutions, trade unions or insurance companies, or any other person, it does not say he has to be in the business of financing at all.

Mr. Chairman, as a matter of fact, you look at the definition of what we are talking about—"or any other person"—and observe who is included. Every single lawyer in America is included. Every single trustee in bankruptcy is included.

Every single person who is the administrator of an estate is included, and every single executor of an estate is included.

Mr. Chairman, every trustee is included, and these are not people doing the business of making loans.

As a matter of fact, this is so broad that an individual making a loan to a friend would be included. There is no question about it.

Mr. Chairman, the other day I questioned the gentleman from New Jersey on this and he replied, "It is our intention to include only those doing business." So my reply to him today is, "Well, if that is your intention, why do you not write it into the legislation."

With the adoption of my amendment, the legislation will read as follows:

Or other person regularly engaged in the business of making mortgages or other loans * * *

What I am saying is if they intend to do what they say they will do, this is a simple way of doing it without any subterfuge, without any question. I cite as an example the Ohio law which deals with exactly the same subject matter. The Ohio law says:

Any person who lends money as one of the principal aspects of his business.

Also in the State of New York it defines an individual or person—relating to a person doing business of lending money.

Now, if they mean what they say, they should accept the amendment. If they mean to include every single individual who wants to make a loan to his friend or build an addition to his house, paint his house or build his house—and many people are not in the business of buying up second mortgages, but they invest their money in this way. If you want to include every individual, then vote against my amendment. But if you want to make sure that it applies only to those doing business, then vote for it.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am of the opinion that the amendment by the gentleman from Florida is a good amendment. It will authorize the widow Murphy to loan the $10,000, that she receives by reason of the wrongful death of her husband, on a mortgage. In my opinion, she is prohibited from doing so under the language of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF VIRGINIA

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 62, after line 20, insert "But nothing contained in this bill shall be construed to prohibit or affect the right of any person, or his authorized agent, to rent or refuse to rent, a room or rooms in his home for any reason, or for no reason; or to change his tenants as often as he may desire."

Mr. SMITH of Virginia. Mr. Chairman, this brings us back to poor Mrs. Murphy and her roominghouse that we discussed yesterday.

Mr. Chairman, the bill as it is written does not take care of her and that was shown clearly yesterday. But everybody said they were sympathetic to a lady who wanted to rent one of her rooms or two of her rooms or six of her rooms. But nobody has offered any way to do it.

Now why not make this thing perfectly clear if that is what you mean, make it perfectly clear by saying what you mean. That is what I have done in this amendment. So after this provision about three or more transactions, I have clarified it by saying—nothing contained in this bill shall be construed to prohibit or affect the right of any person or his authorized agent to rent or to refuse to rent a room or rooms in his home for any reason or for no reason or to change his tenants as often as he may desire.

That is all there is to it. If you mean to protect these widow ladies in these college towns who make their living by renting spare rooms in their homes, if you wish to protect them as you have said you did and as the gentleman from Colorado said we did in another section of the bill—but which does not do it—and anybody can see that simply reading it, then just adopt this little amendment and it will take care of that one situation real handily.

Mr. Chairman, there has been a lot of talk here about other things and I have another amendment that I would like to offer also, and to give the House the opportunity to vote on it. That is the sex amendment. I propose in an amendment which I will offer later, if I get the opportunity, that after the word "religion" on page 60, line 14, and subsequent pages, we insert the word "sex."

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that the gentleman's other amendment be read. We can vote on them separately but this way he can explain them.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. RODINO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODINO. What was the request of the gentleman from Texas?

The CHAIRMAN. The gentleman from Texas requested that the other amendment referred to by the gentleman from Virgina be reported, that we vote on them separately, but presumably one right after the other. The Chair is not familiar with what the second amendment is.

Mr. RODINO. That is what I was going to ask the Chairman.

The CHAIRMAN. That was the first part of the request of the gentleman from Texas, as I understood it. Is there objection to the request of the gentleman from Texas?

Mr. SENNER. I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Virginia. Mr. Chairman, perhaps I will get an opportunity to take care of the ladies a little later, if time permits. I have in my hand an amendment that I hope to have an opportunity to offer. It is similar to the one that we put in the civil rights bill, and would include women along with others.

Suppose a lady has one room to rent and two people appear at her door at the same time. One is a Chinaman and the other is a white boy or a white girl. If she rents to the white boy or the white girl, she is in trouble because she has discriminated against the Chinaman. But she can rent to the Chinaman and the white man or woman would have no complaint whatever. She would have complied with the law.

It seems to me that we have so many things in this bill that make it so bad, if we could do a little good to protect people who are not protected, it might be a good thing to do in these closing minutes.

I deplore very much the procedure of beginning debate on the amendments to this title today and at the same time, simultaneously, the gentleman from New Jersey moves—and the motion is adopted—that we shall cease all consideration of it this afternoon.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment. I most respectfully oppose the amendment of the gentleman. I believe he alludes to the poor Mrs. Murphy type of boarding-house. I would like to state that we have gone over this ground. I addressed an inquiry to the Attorney General, and the Attorney General, Mr. Katzenbach, on August 4, addressed a letter to me which I would like to read:

AUGUST 4, 1966.

Hon. PETER W. RODINO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: This is in response to your request for an explanation of the effect of section 403(b) of Title IV of the pending "Civil Rights Act of 1966" on "Mrs. Murphy"-type boarding houses.

Section 403(b) definitely exempts "Mrs. Murphy", who is the owner-occupant of a boarding or rooming house, from the coverage of Title IV. That section provides:

"Nothing in this section shall apply to an owner with respect to the sale, lease, or rental by him of a portion of a building or structure which contains living quarters occupied or intended to be occupied by no more than four families living independently of each other if such owner actually occupies one of such living quarters as his residence."

The exemption applies without regard to the number of rooms available for rent, so long as the building is a 1, 2, 3, or 4-family house. The one-family house used as a rooming house or boarding house and occupied by the owner, "Mrs. Murphy", would be exempted in the rental of rooms whether or not she made more than three rentals a year.

This is what seems to me to be the clear reading of the section and is consistent with my understanding of the intent of the Committee.

I trust that my explanation will allay any remaining doubts about the scope of this exemption.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

I believe, Mr. Chairman, that that should put to rest the question as to whether or not we did provide for an exemption for Mrs. Murphy's boarding-house or the individual homeowner. I do not believe that we should continue to talk about a doubt regarding this position when the chief enforcement officer, the one who will interpret this legislation, states to us explicitly, as he has done in this letter, that Mrs. Murphy or any person who has a boardinghouse is exempt under this provision.

For this reason, I oppose the amendment.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, the gentleman knows perfectly well that that provision, and he must realize that that provision he has just read, which is on page 64, under subtitle (b), line 19, applies to "four families living independently of each other." That is *not talking* about a roominghouse. That is talking about a situation where four families are living in one house, that has been temporarily or otherwise arranged so that they may live independently. It does not say anything else.

If the gentleman wants to do it, why does he not do it honestly and clarify the question so that there can be no further question about that? Will the gentleman answer that?

Mr. RODINO. Yes. May I say that on line 22, page 64, it does not say four families. It says "by no more than four families."

Mr. SMITH of Virginia. Well, one family.

Mr. RODINO. That means there may be one or two or three or four families, which means there may be less than four families in that structure.

Mr. SMITH of Virginia. The gentleman is not talking about the same thing I am talking about. This provision is clearly confined to families independent of each other, living independently. I am talking about the college student that is *renting* a room in the widow's home in Charlottesville, for example.

Mr. RODINO. That widow is exempt.

Mr. SMITH of Virginia. That is what the gentleman says, but the language does not say so.

Mr. RODINO. We believe that the language says so. That is the intent of this Committee, and we hope that this history we are writing here will be so reported. I am sure it will be so construed.

Mr. SMITH of Virginia. That is the gentleman's opinion.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitate to take this time, but this is a subject in which I have been deeply interested. I have had an amendment prepared to try to do something about it. I would like to ask the gentleman from New Jersey, since he says it is his intention to exempt the Mrs. Murphy situation—why in the world would the gentleman object to the clarifying language the gentleman from Virginia has offered to accomplish that? I just do not understand.

Mr. RODINO. May I answer the gentleman, Mr. Chairman?

Mr. CRAMER. Yes, I yield to the gentleman for that purpose.

Mr. RODINO. Unfortunately, I must disagree with the gentleman when he says the language would clarify. Although I know the distinguished gentleman from Virginia is one who certainly is an artist with words, nonetheless, I must say that in this situation the language only helps to confuse an issue which I believe is clearly stated.

Mr. CRAMER. I get the gentleman's point, but I cannot understand how the gentleman could possibly come to the conclusion that there is not a mountain of confusion relating to how this is to be interpreted, as the result of the discussions that took place yesterday alone, in which it was clearly indicated, regardless of what the Attorney General says he thinks it says. It clearly says on page 64, line 23, that the persons that are exempted are those that are in homes occupied by the owner and by no more than four families living independently of each other.

When one reads those two in conjunction, it is obvious that someone who has a home, with a couple of rooms in it, and is renting to people, is not "living independently."

If the Committee does not adopt the amendment, as the gentleman suggests, this will be open to questions ad infinitum.

This is an opportunity to answer the questions clearly and unequivocally. It will not do any damage if the gentleman wants to do what he says he wants to do, so why does the gentleman not accept it?

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am glad to yield to the gentleman from New Jersey.

Mr. RODINO. The language states: "by no more than four families".

Surely one is less than four.

Mr. CRAMER. "Living independently."

If the gentleman has any doubt that the legislation accomplishes what he says he wants to do—and there certainly is a basis for doubt—the simple way to handle it is to spell it out, as the gentleman from Virginia is trying to do.

I do not want there to be a question raised when a social security widow in my district wants to rent two of three rooms in her home to earn a little extra money and wants to choose with whom she will live. I want her out of this. That amendment will take her out of it, and leave her out of it, unquestionably.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New Jersey.

Mr. RODINO. If there is a doubt in the mind of the gentleman from Florida,——

Mr. CRAMER. There surely is.

Mr. RODINO. I want to assure the committee that doubt does not exist in my mind, nor did it exist in the minds of the members of the committee who supported this, nor does it exist in the mind of the Attorney General, who surely knows how to interpret these provisions.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from North Carolina.

Mr. WHITENER. I point out that the language in the bill is so imprecise, and the language of the amendment of the gentleman from Virginia is quite precise.

Mr. CRAMER. Would the gentleman read the language again?

Mr. WHITENER. It says "to rent or refuse to rent a room or rooms in his home for any reason".

Mr. CRAMER. I suppose the trouble with that language is it is too simple. It spells it out too clearly.

Mr. WHITENER. And it says "or to change his tenants as often as he may desire".

Someone said to me a moment ago, "I could support the amendment if it said, 'in his place of residence,' ", and I replied, "These folks would say that might include a high rise apartment."

The gentleman from Virginia has brought it down to what is intended.

Mr. CRAMER. The weakness of the amendment is that it is simple enough so that everybody can understand it. It does not take a lawyer to figure it out, so everybody is unhappy about it. My social security widow can understand that language, and we ought to pass it.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from South Carolina.

Mr. ASHMORE. I believe it should be made clear that the letter which my friend, the gentleman from New Jersey [Mr. RODINO], read, sent by the Attorney General to him, refers to four-family dwellings.

Mr. CRAMER. I appreciate that.

Mr. ASHMORE. What we are talking about is four individual people living in different rooms.

Mr. CRAMER. That is correct. It is subject to a different interpretation. Let us clarify it. Let us adopt the amendment.

Mr. MATHIAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the distinguished gentleman from Virginia has offered this amendment in the hope, as he has expressed it, that it will reduce confusion.

I suggest that in the House, in the press, and the country at large it might increase confusion, because as the result of the adoption of the Smith amendment Mrs. Murphy might no longer be Mrs. Murphy; she would probably become Mrs. Smith or at least be joined by Mrs. Smith. We would not know then to whom we were referring when we had a Mrs. Smith boardinghouse or a Mrs. Murphy boardinghouse.

But there is an even greater reason for defeating the amendment. The amendment says that a person may rent a room or rooms in his home. The gentleman does not make it clear that his "home" is a dwelling which he or she occupies.

The amendment refers to the authorized agent or person who is doing the renting. I am not sure that the widow in Charlottesville, Va., or the widow in Lexington, Va., who is renting rooms to a college student is going to have an authorized agent, and I do not know what kind of agent she would have under any circumstances who is not already contemplated by the amendment already adopted.

I believe it is perfectly clear from the language of the bill as it is before us that there is an absolute and total exemption for the owner who occupies a structure which has not more than four independent dwelling units in it.

The owner who occupies such a limited structure may rent out any number of rooms he or she desires to college students or anyone else, on any kind of terms, and change the terms of tenancy or the tenant as often as he or she desires, because it is an absolute exemption to such owner who occupies a structure with four or less independent dwelling units in it. I think that is perfectly clear from the language, so that the gentleman from Virginia's amendment is unnecessary and should be defeated.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

I think we must be careful and precise about our language. I heard the language of the gentleman from Florida just a few minutes ago. I call his attention to it. He made reference to "my widow." I suggest to him he has no widow and I hope he does not have one for many, many years. The purpose of 403(b) is to give exemption to Mrs. Murphy but also to lots of other people. The other people are people who do not keep roomers but who have duplex, triplex, or four-unit apartment houses and live in them. They are to be excluded, too. This amendment would be mischievous because it would confuse the intent of Congress. Therefore, Mr. Chairman, I urge its defeat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. RODINO), there were—ayes 71, noes 62.

Mr. RODINO. Mr. Chairman, I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. RODINO and Mr. SMITH of Virigina.

The Committee again divided, and the tellers reported that there were—ayes 113, noes 88.

So the amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I have listened attentively to all the debate that has transpired on the so-called civil rights bill now being debated on the floor of the House. I, of course, am not a member of the Judiciary Committee; however, I find it difficult to understand how this bill received a favorable vote by the majority of the members of that great committee. Every section of the bill is certainly obnoxious to me, as we people in this country will be completely without any freedom if we continue to pass legislation of this nature.

I am very much in favor of the Government assisting in building all the necessary low-cost housing in the thickly populated areas of this country so that every person could have an opportunity to own or at least live in a decent home. However, I cannot vote for any proposed legislation that would tie the hands of the property owner to the extent we would be in the same position the people of Russia are existing under today.

The suggested penalties to be imposed upon our free citizens when they even talk to a demonstrator, which is absolutely foreign to our way of life in this country, is entirely out of line. I personally would like to vote for legislation to outlaw demonstrations and picketing which was foreign to our country up until the last few years when it seems we imported this idea from South America and some of the other foreign countries.

I hope the Congress will not close their eyes to what is going on in this country at the present time and get on with passing legislation which would curb the growing crime situation which is existing in the entire United States at the present time. We should not be wasting our time with a so-called civil rights bill when we are actually taking rights away from the people who this proposed legislation purports to assist. I do hope the entire bill will be sent back to the Judiciary Committee and if this is impossible, I hope we will be able to completely delete the housing section from the bill on final passage.

Mr. POOL. Mr. Chairman, my conscience compels me to rise in vociferous opposition to title IV of the Civil Rights Act of 1966, both in its reported form and as amended by the gentleman from Maryland [Mr. MATHIAS]. In the guise of civil rights, this bill is truly a form of harassment to an outstanding profession—to the thousands of realtors in our Nation. The bill purports to give freedom of choice to all. Yet in reality it removes the freedom of the individual to dispose of his real property as he sees fit. Social change cannot be legislated; it can only evolve. The Congress on this occasion is proposing to invade the holy domain of individual rights, the tenets on which our great Nation was founded.

The great metropolitan areas of the United States are in part a result of the efforts of real estate developers across the land. Their work has made it possible for persons to come to the city to study, to work, to contribute their skills and talents for the improvement of our society. When we seek to legislate the human element of free choice out of our society, then we reduce our Government to the free association of robots. Our country is a melting pot of ethnic groups. Mutual respect and admiration among them has been developed through their actions rather than by legislation. It would be far preferable if we continue the time-honored traditions of our forefathers by permitting the individual personality to exercise his capacity for choice and decision in this very personal matter.

I should like to share with you here the very well chosen words of one of my constituents of Dallas, Tex., who expressed his opposition to this legislation in the following letter to me:

> This legislation is premised on the mistaken belief that the exercise of freedom of choice by a real property owner is an act of racial discrimination. This assumption is a gross oversimplification which apparently rejects a traditional and fundamental right, both of which have their roots in the English common law—a tradition and right of freedom of contract and freedom of choice in the disposition of one's own property.
>
> Personal choice in the disposition of one's property apparently stands to thwart the dreams of the planners of the society of tomorrow. Freedom of choice and freedom of contract have apparently become anachronisms in the scheme of those who would determine for us the choice of our neighbors and our tenants.
>
> The American people are striving toward the solution of this problem, and the solution is attainable. Yet in every instance where state legislation comparable to that of the pending bill was submitted to a referendum of the people, it has been rejected by overwhelming majorities. Voluntary efforts are achieving this objective. The use of force—the employment of the police system, the destruction of the human right of real property ownership, the suppression of freedom of contract—are all destructive of the objective of biracial understanding. I urge the Congress to choose the traditional American way of voluntary effort, and to reject the alien way of the police expedient.

My obligation as a Representative of the people of the State of Texas is crystal clear to me today. I was sent to Congress to protect the rights of the individual citizen, not to legislate them out of existence. I shall therefore vote against title IV in any form.

Mr. ROYBAL. Mr. Chairman, the real issues involved in fair housing legislation have been buried under a barrage of emotions and slogans. People have tried to convince us that title IV of the Civil Rights Act protects one person's rights at the expense of another person's. This is simply not rue. The question is not whether the right of a person to sell his property to whomever he wishes is greater than the right of a person to buy any home he can afford. Rather, the question is: may one person infringe upon the rights of another? The answer is an emphatic no.

Obviously, if a person refuses to rent or sell his property to minority groups, he is doing more than just infringing upon the rights of the minority group. He is also denying them the right to attend well-staffed schools, he is denying them the right to equal job opportunities, and he is condemning them to a life of poverty, neglect, and deprivation. We must not be deceived. Being denied the right to live in a certain house does not mean living in another equally desirable house. It usually means living in the slums and poverty-stricken areas of our society.

Some of my colleagues seem reluctant to take steps to abolish ghettos. I do not say that title IV will wipe all slums off the map. But it will allow people to move out of their ghettos, if they have the means and the desire. It is, therefore, a bill that should and must be passed.

There are those, however, who say that any American with initiative can "get ahead" and can move out of his home in the slums. But they do not say where the underprivileged and oppressed may go when they are prepared to leave and abandon their slum existence. Perhaps they do not say because they know what barriers a person faces when he tries to move out of the ghetto. I urge passage of title IV so that these barriers may be abolished and so that we may assure the rights of first-class citizenship to every American citizen.

The racial troubles of our country cannot be solved by one law, or even by many laws. But I believe that segregated housing is the root of America's gravest social problem, and we—as lawmakers—must pass this bill and do everything else in our power to kill this root so that someday the tree of bigotry will wither and die.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 73, strike out all after "section" on line 23 and all of 24 and insert "1101 of Civil Rights Act of 1964 (42 USC 2000 (h))".

Mr. CRAMER. Mr. Chairman, I think a brief explanation will very clearly indicate to the gentleman what I am attempting to do.

Mr. Chairman, all this does is take the 1964 Civil Rights Act rule for contempt and the right of trial by jury rather than the 1957 Civil Rights Act rule. This indicates a preference what we did in 1964. The basic issue involved is whether a man is entitled to a trial by jury before he is subjected to a criminal penalty for contempt.

The proposal I make is to use exactly the same language as we did in 1964. The identical language of that bill is keyed into the language of the bill before you.

Mr. Chairman, we have had this issue of trial by jury before us for year after year. Let us get it out of the way. In 1964 we got it out of the way. We said in writing the civil rights proposal of 1964 that this rule shall apply that a man is entitled to a trial by jury if he is going to be put in jail for contempt. Now they want to change the rule and go back to 1957.

The 1964 act provides that he shall be entitled to a trial by jury but shall conform as nearly as may be to the practice in criminal cases pending convictions that he shall be fined no more than $5,000 or imprisoned for no more than 6 months.

All this does is to take to the latest position of Congress and say that is our position now.

A man is entitled to a trial by jury if he is going to jail for contempt of court. What they want to do is to go back to 1957, which is old hat. That was amended in 1964. They want to go back to a limited trial by jury solely in the instance where there is a 45-day penalty. If it is in excess of a 45-day penalty, he is entitled to a trial by jury or a fine of not over $300 as I recall—and I will put the exact wording in—then he is entitled to a trial but not otherwise.

Why do you want to limit a man's right to a trial by jury. Let us use the 1964 act which was enacted a year and one-half ago and let us not change the rules of the game particularly as it relates to a broad title such as this in housing. I would hope the leadership of the Committee would accept the amendment.

Mr. Chairman, it does not do any harm to the bill but it does protect the right of a trial by jury. It gets that issue out of the way. If you do not, it will be an issue as in 1964. What they are writing into the bill by referring to 1957 is this provision:

In cases of criminal contempt arising under the provisions of the Act, the accused upon conviction shall be punished by fine or imprisonment, or both provided in the case of a fine, it shall not exceed $1,000.

Then in the event the proceeding of contempt before a judge without a jury results in a sentence which exceeds $300 or 45 days, the accused is entitled to a trial by jury, but not otherwise.

In 1964 we adopted the principle that regardless of whether the penalty was 45 days or $300, the accused would be entitled to trial by jury. He would be entitled to trial by jury in every instance.

If you want to limit the right to jury trial, vote with the committee. If you want not to limit that right, but do what we did in 1964, then vote for my amendment.

The CHAIRMAN pro tempore (Mr. HOLIFIELD). The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The amendment was agreed to.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. WILLIAMS. There are a number of us who are not members of the committee and who have a couple of pocketfuls of amendments apiece to offer to this bill. Thus far the limited time has been completely dominated, and understandably so, because they are entitled to priority of recognition, by members of the committee and, to a large extent, by those who voted to close off debate.

Mr. Chairman, I would like to know, if we can ascertain the information, how many more amendments there are to be offered by members of the committee so as to preclude anyone else from getting recognition.

The CHAIRMAN pro tempore. Nine amendments that have not yet been reported are pending.

Mr. WILLIAMS. Can the Chair advise me how many of those are being offered by members of the committee, thus precluding others from having an opportunity to offer their amendments?

The CHAIRMAN pro tempore. That is hardly a parliamentary inquiry. The Chair will see if he can ascertain the information.

Mr. ALBERT. Mr. Chairman, a parliamentary inquiry. Is it not the situation that all amendments will be considered and voted on?

The CHAIRMAN. The Chair will answer the first parliamentary inquiry. There are four or five pending amendments to be offered by members of the committee, as far as the Clerk can estimate.

This time is coming out of the limited time for debate.

Mr. WILLIAMS. Mr. Chairman, I do have a legitimate parliamentary inquiry if the other was not. Would it be in order to make a unanimous-consent request at this time that the action of the House in voting to limit debate be vacated?

The CHAIRMAN. The Chair will advise the gentleman that a unanimous consent is in order.

Mr. WILLIAMS. If such a request is in order, I make the request.

Mr. RODINO. I object.

The CHAIRMAN. The gentleman from North Carolina has the floor.

Mr. DICKINSON. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DICKINSON. Mr. Chairman, if I understand correctly, we were granted 2 hours in which to submit amendments. One hour and 45 minutes has been used up. We have 15 minutes remaining. Did the Chair just rule that it would be inappropriate, and this Committee would be unable to reconsider, the fixing of this time? Was that the ruling of the Chair?

The CHAIRMAN. A motion to reconsider is not in order in the Committee of the Whole.

Mr. DICKINSON. In that event, Mr. Chairman, I have a preferential motion which I send to the desk.

The CHAIRMAN. The gentleman from Alabama offers a preferential motion, which the Clerk will report.

MOTION OFFERED BY MR. DICKINSON

The Clerk read as follows:

Mr. DICKINSON moves that the Committee now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Alabama is recognized in support of his preferential motion.

Mr. DICKINSON. Mr. Chairman, ladies and gentlemen of the Committee, this is the only method available to me to be heard on the amendment which I have been waiting for some 2 weeks to offer. The amendment will be read by title as required, but it is quite obvious, having only reached three amendments in an hour and 45 minutes and with nine more pending, that I will not be heard on my amendment.

My amendment, which is at the desk and which will be heard, says:

That notwithstanding any foregoing provisions of this title—

And I am dealing specifically with title IV—

this title shall not apply to any attorney-at-law with respect to any act taken by him in the course of his practice as an attorney.

We had colloquy yesterday, which is found in the CONGRESSIONAL RECORD on page 18193, where the gentleman from Illinois [Mr. ERLENBORN] asked of the

committee, "was an attorney-at-law, practicing his profession, covered under this title, and, if so, to what extent?" As I read the colloquy and as I read the report, there seems to be a difference of opinion. First, the gentleman from New Jersey [Mr. RODINO] says no, and then the gentleman from Colorado [Mr. ROGERS] says that if he is acting as an agent, he would be.

I submit there is no way an attorney can act except as an agent or as an attorney in fact. My point is this. The law says that any organization which is an association or a partnership is a person which is covered. I simply want to make it clear—and there is some misunderstanding—that an attorney acting as an attorney is not covered by this, so that he cannot sell his own home if he has engaged in two discriminatory acts acting as an attorney.

I have another inquiry I would like to direct to the manager of the bill, the gentleman from New Jersey [Mr. RODINO], if I might get his attention: The word "partnership" is used here as meaning "person," as defined by this act. Let me pose a hypothetical question:

I am assuming that a partnership can be any number, such as a large law firm with, say, 25 members, and that a section of this law firm is devoted to real estate practice. If this partnership is covered under title IV, I would like to know, if the gentleman will inform me, whether that means every individual member also is covered and cannot then sell his own home after there have been two transactions of discrimination by someone in his firm acting as an agent? Would every individual member of the law firm be covered?

Mr. RODINO. As long as he is a member of the partnership, since the partnership is covered, he would be covered.

Mr. DICKINSON. You mean, if we have a large firm, one section handling real estate trusts, and so forth, and I am a member of it, although I have nothing to do with this transaction, say I practice criminal law, I cannot sell my own personal home if a partner of my law firm is covered?

Mr. RODINO. We are not directing our attention to him as an individual in that case. We are directing our attention to that individual as a member of the firm.

Mr. DICKINSON. Yes. Well, that is the point.

Mr. RODINO. And we look to the transaction that takes place by the firm.

Mr. DICKINSON. And not as an individual member, is that correct?

Mr. RODINO. That is correct.

Mr. DICKINSON. I believe it is only fair to admit, and all Members of the House would be only fair if they admitted, there is some area of ambiguity, some area that needs to be cleaned up other than by you and me making legislative history. I hope the Committee would see fit to accept my amendment, which is very simple:

Notwithstanding any of the foregoing provisions of this title, this title shall not apply to any attorney-at-law with respect to any act taken by him in the course of his practice as an attorney.

Mr. ROGERS of Colorado. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ROGERS of Colorado. Mr. Chairman, the gentleman has asked the Committee to accept an amendment. If I understand, he submitted an amendment to strike the enacting clause.

The CHAIRMAN. The gentleman was recognized to speak on a preferential amendment to strike the enacting clause.

Mr. DICKINSON. If the gentleman would like to have me clear up the parliamentary situation, I took this method to be able to tell the Members that I have an amendment which will be reported, on which they can vote later.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Florida.

Mr. CRAMER. Unless the gentleman's amendment is adopted, as the gentleman from New Jersey indicated as well, if a lawyer is practicing in a partnership and has nothing to do with the sales involved, but there is a partner in the firm and that partner makes sales and deals with clients, and this can involve rentals or sales for the client, then the other partner, who is in the criminal business, will be excluded from selling his own home by virtue of the fact that his partner is selling property or renting property for a client? Is that not clearly expressed in the wording of this proposal?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

Mr. YATES. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS of Colorado. Mr. Chairman I rise in opposition to the preferential motion.

We have had such a preferential motion before, to strike the enacting clause, but since then there have been some perfecting amendments. Therefore, the motion is in order.

In essence, this motion would kill the bill, rather than provide any clarification.

May I point out, on the question of an attorney, his relationship to his client is altogether different from that of a real estate agent, or one engaged in the business of selling or renting housing, as we have set forth in section 403.

If an attorney is practicing law, as such, then his relationship is no different from that of anyone else in connection with any sale of his own property. If he is conducting a business of a real estate agents, or of selling houses as we provide in section 403, then he would be covered.

If there is a partnership which is engaged in the real estate business, then that partnership would be covered.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. If I understand the gentleman correctly, the amendment which I propose to offer, if and when time allows, will do nothing to the bill that is not now covered, except to clear up this one ambiguity. Why can the gentleman not accept the amendment, if he says it does not do anything?

Mr. ROGERS of Colorado. There is no reason for the amendment. It will only lead to confusion.

Certainly the gentleman and I recognize that an attorney at law has a confidential relationship with his client.

But he will not become an agent, necessarily, within the meaning of the title, merely because he happens to be employed as an attorney.

Mr. DICKINSON. If the gentleman will yield further, is he saying that my amendment confuses rather than clarifies this one point?

Mr. ROGERS of Colorado. That is right.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 67, noes 103.

So the preferential motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WHITENER].

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 64, lines 15 through 18, strike all of subsection 403(a)(7).

Mr. WHITENER. Mr. Chairman, I regret that the time is about to expire, and I will try not to use the total 5 minutes, but I think that what has developed here, in that we have not had an opportunity fairly and adequately to present our amendments, shows two things: The first thing I think it shows is that the wisdom of cutting off debate is to be questioned. Secondly, I think it affirmatively shows that some of us were unwise yesterday to agree to cooperate by withholding our amendments in order that the Moore amendment might be voted upon as early as possible under the assurance that we would have an opportunity to present our amendments and have them debated. I take full responsibility for my error.

I would hope that as we go forward in the debate on other titles of the bill, if we are not going to deal fairly, that we say so ahead of time or the proponents should just use the power and have everybody understand they are using it. Please do not try to mislead us any more.

Mr. Chairman, this amendment would strike out subsection (7) on page 64 under section 403(a). That language is:

(7) To engage in any act or practice, the purpose of which is to limit or restrict the availability of housing to any person or group of persons because of race, color, religion, or national origin.

Now, what sort of language is that? "any act or practice." Is it an act to talk to a neighbor? Is it an act to put a sign in front of your house that this house is for sale to Negroes only or Chinese only or Baptists only? What does this mean? This is another example, and I am not going to take any more time here because I do have other amendments and other Members do, also. I hope you will support the amendment, not because of anything I said but because I have been denied the right and the opportunity to say what should be said.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment, since the amendment would limit title IV of the bill. For that reason this amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The question was taken; and on a division (demanded by Mr. WHITENER) there were—ayes 64, noes 107.

The CHAIRMAN. Under the unanimous consent agreement all time on title IV has been consumed.

Are there further amendments to title IV?

Mr. WHITENER. Mr. Chairman, I have some amendments at the desk, and I am sure that others also have such amendments.

The CHAIRMAN. Does the gentleman from North Carolina desire to offer them without debate?

Mr. WHITENER. Yes; I shall have to offer them without debate.

The CHAIRMAN. The Clerk will report the first amendment offered by the gentleman from North Carolina.

AMENDMENT OFFERED BY MR. WHITENER

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 65 strike out all language on lines 15 through 25, and on page 66 strike out all language in lines 1 through 3, and renumber the following sections of title IV.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DOWDY. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WHITENER and Mr. RODINO.

The Committee divided, and the tellers reported that there were—ayes 81, noes 122.

AMENDMENT OFFERED BY MR. TALCOTT

Mr. TALCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TALCOTT: On page 63, line 7, line 12, and line 18, and page 64, line 18, after "religion"" insert "inability to enter into a lease agreement of more than 60 days by reason of his status as a migrant agricultural worker,".

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. TALCOTT].

The question was taken, and the chairman announced that the noes appeared to have it.

Mr. POOL. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. TALCOTT and Mr. RODINO as tellers.

The Committee divided, and the tellers reported that there were—ayes 64, noes 111.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: On page 69, line 4, insert "(1)" immediately after the "(b)", and on page 69, after line 9, insert the following:

"(2) Whenever the Attorney General initiates an action under subsection (a) of this section, or intervenes in an action under paragraph (1) of this subsection, and the court fails to grant the relief called for in the complaint filed in the action, the court may, under such circumstances as the court may deem just, award the defendant his costs, including a reasonable attorney's fee, to be paid by the United States."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 54, noes 88.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WILLIAMS of Mississippi and Mr. RODINO of New Jersey.

The Committee again divided, and the tellers reported that there were—ayes 69, noes 110.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: On page 74, immediately following line 6, insert the following:

"SEC. 413. Notwithstanding any of the foregoing provisions of this title, this title shall not apply to an attorney-at-law with respect to any act taken by him in the course of his practice as an attorney."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DICKINSON and Mr. RODINO.

The Committee divided and the tellers reported that there were—ayes 69, noes 102.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 61, line 22, after the word "religion", insert the word "sex".

On page 63, line 7, after the word "religion", insert the word "sex".

On page 63, line 11, after the word "religion", insert the word "sex".

On page 63, line 18, after the word "religion", insert the word "sex".

On page 63, line 22, after the word "religion", insert the word "sex".

On page 63, line 25, after the word "religion", insert the word "sex".

On page 64, line 2, after the word "religion", insert the word "sex".

On page 64, line 6, after the word "religion", insert the word "sex".

On page 64, line 10, after the word "religion", insert the word "sex".

On page 64, line 11, after the word "religion", insert the word "sex".

On page 64, line 18, after the word "religion", insert the word "sex".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 43, noes 88.

Mrs. BOLTON. Mr. Chairman, I demand tellers.

Mr. KUPFERMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parlimentary inquiry.

Mr. KUPFERMAN. Mr. Chairman, may I ask the proponents of this bill whether the word "sex" coming after "religion" is supposed to have any significance?

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. CRAMER. Mr. Chairman, regular order.

Tellers were ordered, and the Chairman appointed as tellers Mr. GROSS and Mr. RODINO.

The Committee again divided, and the tellers reported that there were—ayes 69, noes 107.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CRALEY

Mr. CRALEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRALEY: On page 66, strike out lines 5 to 10, inclusive, and insert in lieu thereof the following:

"SEC. 405. No person shall intimidate, threaten, coerce, or interfere with any person in the exercise or enjoyment of, or in the enforcement or attempted enforcement under section 406 of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, or the enforcement or attempted enforcement under section 406 of, any right granted by section 403 or 404."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CRALEY].

The question was taken; and on a division (demanded by Mr. WILLIAMS), there were—ayes 16, noes 88.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SMITH OF VIRGINIA

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 65, line 15, strike all of section 404 down to and through page 66, line 3.

Mr. RODINO. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RODINO. The amendment has already been voted upon.

The CHAIRMAN. The Chair will check.

Mr. WHITENER. Mr. Chairman, I do not wish to inject myself into the controversy, but I had an amendment to that effect, which was voted down.

The CHAIRMAN. That is the Chair's recollection, too. The point of order is sustained.

Are there further amendments? If there are no further amendments, the Clerk will read.

The Clerk read as follows:

TITLE V

Interference with rights

SEC. 501. Whoever, whether or not acting under color of law, by force or threat of force—

(a) injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person because of his race, color, religion, or national origin while he is lawfully engaging or seeking to engage in—

(1) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, in any primary, special, or general election;

(2) enrolling in or attending any public school or public college;

(3) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States or by any State or subdivision thereof;

(4) applying for or enjoying employment, or any perquisites thereof, by any private employer or agency of the United States or an State or subdivision thereof, or of joining or using the services or advantages of any labor organization or using the services of any employment agency;

(5) selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling;

(6) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States or of any State;

(7) using any vehicle, terminal, or facility of any common carrier by motor, rail, water or air;

(8) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

(9) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment, or of any other establishment which serves the public and which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments; or

(b) injuries, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person (1) to discourage such person or any other person or any class of persons from lawfully participating or seeking to participate in any such benefits or activities without discrimination on account of race, color, religion, or national origin, or (2) because he has so participated or sought to so participate, or urged or aided others to so participate, or engaged in speech or peaceful assembly opposing any denial of the opportunity to so participate; or to so participate, or urged or aided others to so participate, or engaged in speech or peaceful assembly opposing any denial of the opportunity to so participate; or

(c) injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any public official or other person to discourage him from affording another person or any class of persons equal treatment in participating or seeking to participate in any of such benefits or activities without discrimination on account of race, color, religion, or national origin, or because he has afforded another person or class of persons equal treatment in so participating or seeking to so participate—

shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

Amendments

SEC. 502. (a) Section 241 of title 18, United States Code, is amended by striking out the final paragraph thereof and substituting the following:

"They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life."

(b) Section 242 of title 18, United States Code, is amended by striking out the period at the end thereof and adding the following: "; and if death results shall be subject to imprisonment for any term of years or for life."

Mr. RODINO (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with, that it be considered as read and printed in the RECORD and open for amendment at any point.

Mr. SMITH of Virginia. I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk continued to read title V.

Mr. McCULLOCH (during the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCULLOCH. Was it not agreed earlier today in the Committee that we would proceed with the disposition of title IV, read title V, and then the Committee would rise?

The CHAIRMAN. The Chair understood that as a gentleman's agreement. That is the Chair's understanding.

The Clerk concluded the reading of title V.

Mr. DIGGS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIGGS. Mr. Chairman, the following is an amendment which I will offer to title V of the bill. I submit it here for the information of the Committee:

Page 77, immediately following line 24, insert the following:

"Civil Rights Indemnification Board

"SEC. 503. A board is hereby created and established, within the Civil Service Commission (hereinafter referred to as the 'Commission') to be known as the Civil Rights Indemnification Board (hereinafter referred to as the 'Board'), which shall be composed of five members, all of whom shall be appointed by the Commissioner not later than the close of the sixtieth day following the date of enactment of this Act. The first members appointed shall continue in office for terms of one, two, three, four, and five years, respectively, from the date of appointment, the term of each to be designated by the Commission, but their successors shall be appointed for terms of five years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed: *Provided, however,* That upon the expiration of his term of office, a member shall continue to serve until his successor shall have been appointed and shall have been qualified. The Commission shall choose a chairman from the Board's membership. No member shall engage in any other business, vocation, or employment. Any member may be removed by the Commission for neglect of duty, or malfeasance in office. A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board. The Board shall have an official seal, which shall be judicially noticed.

"SEC. 504. The Board shall, in accordance with the civil service laws, appoint and fix the compensation of an executive secretary, and such attorneys, hearing examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court.

"SEC. 505. The Board shall have authority from time to time to make, amend, and rescind in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this title.

"SEC. 506. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place.

"SEC. 507. All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid out of the fund established in section 517 of this title upon the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"SEC. 508. (a) Whenever any person suffers grave bodily injury, or damage to his property by bombing or burning, or is deprived of his life, and the action producing such injury, death, or damage would constitute a violation of section 501 of this title, the injured party, or his legal representative, may file a claim seeking indemnification for such injury, death, or damage with the Board.

"(b) Every claim shall be made on forms to be furnished by the Board and shall contain all the information required by the Board. Each claim shall be sworn to by the person seeking compensation, or by his legal representative, and, except in the case of

death, shall be accompanied by a certificate of the injured person's physician, stating the nature of the injury and the nature and probable extent, if any, of disability.

"(c) All claims for indemnification herein must be filed with the Board within six months of the injury or damage for which an award is sought, except that where the injury results in death, the claim may be filed within twelve months of death.

'SEC. 509. Whoever makes, in any affidavit, report, or supporting document required under section 508(b) of this title or in any claim for compensation herein, any willfully false statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"SEC. 510. The Board, upon consideration of any claim presented to it, and after the completion of any hearing or investigation as it may deem necessary, shall determine and make an award for or against payment of compensation for such injury, death, or damage. Such award may include a reasonable attorney's fee, but shall not exceed $25,000, exclusive of such fees, or, if death occurs, shall not exceed $50,000, exclusive of such fees.

"SEC. 511. The Board shall have power to issue subpenas for and compel the attendance of witnesses, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses upon any matter within the jurisdiction of the Board.

"SEC. 512. Any assignment of a claim for compensation under any section of this title shall be void, and all compensation and claims therefor shall be exempt from all claims of creditors.

"SEC. 513. The decision of the Board shall be final unless it is fraudulent, or arbitrary, or capricious, or is not supported by substantial evidence.

"SEC. 514. The United States Court of Claims shall have jurisdiction to review any final decision of the Board and render judgment thereon, subject to the monetary limitations contained in section 510.

"SEC. 515. (a) Any person aggrieved by a final decision of the Board may obtain a review of such decision in the United States Court of Claims, by filing in such court, within ninety days after the date of such decision, a written petition naming the Board as defendant, specifying with particularity the reasons why such decision is not entitled to finality under section 513 of this title or that the decision is clearly erroneous as a matter of law.

"(b) A copy of such petition shall forthwith be transmitted by the clerk of the court to the Board and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided for United States Court of Appeal, in section 2112 of title 28, United States Code.

"SEC. 516. (a) When it appears, after a claim has been filed with the Board, that the person or persons responsible for the injury, death, or damage for which an award is sought is or are known, such person or persons shall be notified and shall have a reasonable opportunity to intervene in any proceedings instituted before the Board and to be fully heard.

"(b) In the event that such proceedings before the Board indicates that the injury, death, or damage resulted in whole or in part from action taken under color of law, the city, county, or other political subdivision under whose authority such action was taken shall be notified and shall have a reasonable opportunity to intervene in the proceedings and to be fully heard.

"(c) Notice under this section may be by personal service or by registered or certified mail. Notice to a city, county, or other political subdivision may be given to the chief executive or principal legal officer of such political subdivision.

"(d) The Board may, if necessary to secure a full hearing for any intervenor, continue the proceedings from time to time.

"SEC. 517. (a) There is established in the Treasury a separate fund to be known as the 'Indemnification Compensation Fund' which shall consist of such sums as Congress may, from time to time, appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this Act or any other Act of Congress. Such fund, including all additions that may be made to it, shall be available without time limit for the payment of the awards, judgments, and expenses authorized by this Act. The Board shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the 'Indemnification Compensation Fund'.

"(b) The Board shall make to Congress, at the beginning of each regular session, a report in writing stating in detail the cases it has heard, the decisions it has rendered, the disposition of any cases after judicial review for the immediately preceding fiscal year, including a detailed statement of appropriations and expenditures.

"SEC. 518. (a) Upon payment by the United States of any award made under this title, the Attorney General may institute, for or in the name of the United States, a civil action against the person or persons responsible for the injury for which the award is made and, upon proof of the facts upon which such award was based, shall recover, for the United States, an amount not exceeding the amount of such award. Any recovery so obtained shall be deposited in the fund established in section 517 of this title.

"(b) If the injury for which an award is made resulted in whole or in part from action taken under color of law, the city, county, or other political subdivision under whose authority such action was taken may be joined as a defendant in any action brought by the Attorney General under this section and shall be jointly and severally liable with the person or persons responsible for such injury.

"(c) In any case brought under this section against anyone notified under section 516, the findings of fact made or adopted by the Board, and, if judicially reviewed, sustained by the court, shall be admissible and shall constitute prima facie evidence of the facts determined by the findings, and the award of indemnification shall be admissible and shall constitute prima facie evidence of the damages suffered by the complainant.

"(d) The district courts of the United States shall have jurisdiction over proceedings instituted pursuant to this section.

"SEC. 519. Nothing herein shall deny to any person the right to pursue any action or remedy granted him under any other law of the United States or any city, county, or other political subdivision: *Provided*, That in the event that any person receives in any other action an award of damages for which an award of indemnification has been made under this title, the United States shall have a lien against such award in the amount of the award of indemnification. In the event such other award is made prior to the award of indemnification, the amount of such other award shall be considered by the Board in determining whether to make an award and, if so, the amount of the award."

Mr. RODINO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

CRITICAL SITUATION DUE TO NICKEL SHORTAGE

Mr. DENT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, this is the third in a series of telegrams that I have received from a company back home that is about to face a complete shutdown because of the fact that again we are exercising a so-called trade policy that is injurious to American industry.

Mr. Speaker, we are shipping out of the country so much nickel that the situation has arisen where nickel is not available to American manufacturers.

Mr. Speaker, this message says that unless they receive immediate relief in the matter of getting a supply of nickel, the Duraloy Co., located in a community which it is my honor to represent back home, will be completely shut down. The metal that they make and the products that they produce with nickel are absolutely essential to such industries as the petrochemical industry, the petroleum industry, the cement industry, the steel industry, the automotive industry, and the industrial finance builders.

While the immediate cause of the company's dilemma is caused by a strike at the source of its nickel supply, the export practices of our Nation make it impossible to find a new source of supply. This is true because we export beyond the point of safety emergency supplies.

Unless some of the short supply material is diverted from export the only alternative is to again pry open our strategic stockpiles.

In any case, any delay in meeting the needs of the Duroloy Co., will mean unemployment and a loss of markets for the company which will of course add to the economic troubles of this community and its workers.

We are in a situation where so much of our raw materials are being exported that we are fast becoming a nation of producers of raw materials and importers of finished materials, thereby reverting to the old colonial status.

Mr. Speaker, today I will introduce a bill calling upon the Congress to immediately open the stockpile on nickel to give this particular company enough nickel to meet their demands or otherwise face a shutdown and probably the elimination of this industry from this community that has been a depressed community for the better part of the past 40 years.

The latest telegram received by my office follows:

SCOTTDALE, PA.,
August 3, 1966.

HON. JOHN H. DENT,
Rayburn Building,
Washington, D.C.:

Reference our telegram July 25 relative our critical situation due to nickel shortage caused by strike at International Nickel Co. Our situation becoming more acute and will face complete shutdown unless immediate relief can be achieved. Our high alloy products are essential to process equipment used by other manufacturers in making war material and our industry has been supplied with adequate nickel in past emergencies by special consideration. Further thought should be given to the impact our shutdown will have not only on our community but industries such as petro-chemical, petroleum, cement, steel, automotive, industrial, finance, builders, to name a few. Therefore, seriously need your assistance in directing adequate nickel supply to us.

THOS. R. HEYWARD III,
President.

OHIO LAW IS NOT AS STRICT AS TITLE IV

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, it has been alleged on several occasions that title IV of the pending civil rights bill is not as strong as various State laws on the subject. It has been specifically averred that the Ohio law is more stringent. On the face of it, this is an incorrect statement. There is nothing in the Ohio law that would bring the hordes of the Justice Department and the various bureaucratic agencies down your back. There is nothing in the Ohio law that would result in an investigation by the FBI or the various police agencies of the Federal Government. Such a claim is specious on its face when one looks at the insurmountable burden which the Federal Government can place on your back. Consider just one item: the proposed agency to be set up by this bill would have the power to order you to Washington to answer their complaints. It could also provide legal services for those who claim to be aggrieved.

The Ohio Association of Real Estate Boards has answered one of my colleagues and I feel that their letter deserves a place in the legislative history on this bill. I include it with these remarks:

OHIO ASSOCIATION OF REAL ESTATE BOARDS

I appreciate very much your letter of July 28th in regard to Title IV of the Civil Rights Act of 1966.

In regard to the Bonding Provision—we feel there is a great difference between the word "shall" in the Ohio Statute and "may" which is presently in the Federal Bill.

This problem is further compounded when section 406(d) is read in conjunction with 406(b) which provides for the appointment of an attorney for the complainant and commencement of suit without fees or security. In the event the court, in its discretion, finds a bond to be desirable how can such a bond be made without cost?

We have read your statements in the CONGRESSIONAL RECORD of July 26, 1966 and cannot agree that the Ohio Statute is "substantially stricter" than the Federal Bill. We anticipate that if the Federal Bill were to become law that the Ohio Statute would become ineffective as a practical matter, and the intentions expressed in 406(d) for the Federal Court to defer to state or local authority will come to naught.

I would like to further call your attention to various sections of the Ohio Statute beginning with Section 4112.05(b). This has language which prohibits testers from making surveys and causing complaints to be filed where no genuine intention or williness or ability to purchase or rent is involved. The Ohio Civil Rights Commission is required to find, before it permits the filing of any formal complaint, that the complainant acted with the intention of fulfilling any contracts or agreements which he was seeking. This prevents harassment by groups who are more interested in agitation and surveys then they are in housing.

Section 4112.05(e) contains language which requires that the Civil Rights Commission make its findings on the basis of reliable, probative, and substantial evidence.

Section 4112.05(f) requires that notice be given to the complainant and to the respondent in any hearing affording them an opportunity to be present. It also provides that no person and this would include all realtors, owners, or other people shall be compelled to be a witness against himself at any hearing before the Commission or a Hearing Examiner. This we feel is a legal safeguard against harassment by any complainant and is in accord with all of our principles of due process of law which has been our heritage for some time.

Section 4112.05(g): The Commission is required to make its conclusion of law as well as findings of fact. Another safeguard against harassment. The chapter elsewhere provides for appeals to the Common Pleas Court from a finding of the Commission. Appeals, therefore, are as in other legal cases, limited to questions of law.

Under the Federal bill, two cases of which we have specific knowledge, would continue in litigation at great expense to the respondent and no ultimate remedial action in favor of the complainant for the simple reason that no complaint was actually stated under the law. In our state procedures this was quickly and effectively dealt with at a minimum expense. And even so the respondents were not happy at having to defend an invalid charge. In both cases they not only were not in violation but were in actual compliance with the law.

In conclusion, Bill, we feel that legislation is not the answer; education and understanding among people is the only way this problem can be solved.

Again, I appreciate your interest and concern for trying to solve a very delicate problem.

Very truly yours,

ROBERT L. MCALLISTER,
Director, Realtors' Ohio Committee.

SALUTE TO REPUBLIC OF IVORY COAST

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, tomorrow is the sixth anniversary of the independence of the young, vibrantly dynamic, and proud Republic of the Ivory Coast in Africa. As chairman of the African Subcommittee of the Committee on Foreign Affairs, for myself and the members of the subcommittee, and I am sure all my colleagues in the House on both sides of the aisle, I extend congratulations and every good wish to the Honorable Felix Houphouet-Borginy, the able President of the Ivory Coast, to the popular Ambassador Konon Bédié, and to all the people of this happy and thriving African nation.

Potentially the most economically self-sufficient state in former French West Africa, Ivory Coast is a rectangular-shaped country of 127,520 square miles facing the coast on the south side of the African bulge. It is bounded on the north by Upper Volta and Mali, on the east by Ghana, and on the west by Liberia and Guinea. The southern boundary is a 340-mile coastline on the Gulf of Guinea.

The population of Ivory Coast was estimated in 1962 at 3,340,000, of whom about 12,000 are Europeans concentrated mainly in Abidjan, which now has a population of about 250,000. Ivory Coast contains perhaps 60 distinct tribal groups. The rate of population increase is about 2.5 percent per year.

The early history of Ivory Coast is virtually unknown, although it is thought that a neolithic civilization existed there. Early contacts were limited to a few missionaries. In the 18th century, the country was invaded by two related ethnic groups. Ivory Coast officially became a colony of France in 1839. From 1904 to 1958, Ivory Coast was a constituent unit of the Federation of French West Africa. It was a colony under the Third Republic and overseas territory under the Fourth Republic. Ivory Coast became independent August 7, 1960, and thereafter permitted its community membership to lapse. It was admitted to the United Nations on September 20, 1960.

The contemporary political history of Ivory Coast is closely associated with the career of Félix Houphouet-Boigny, President of the Republic and leader of the Parti Démocratique de la Cote d'Ivoire (PDCI), the only political party in Ivory Coast. Houphouet-Boigny first came to national political prominence in 1944 as founder of the Syndicat Agricole Africain, an organization that won improved labor conditions for African farmers and formed a nucleus for the PDCI.

Stability has prevailed in Ivory Coast since independence in 1960.

The Constitution of Ivory Coast provides for a strong President within the framework of a separation of powers. The 70-member National Assembly is elected by direct universal suffrage for a 5-year term. The judicial system culminates in a Supreme Court composed of four chambers: constitutional, judicial, administrative, and auditing.

Ivory Coast's economy is based almost exclusively on exports of tropical products: 90 percent of the people are engaged in agricultural pursuits, and 75 percent of the total production is accounted for by the agricultural sector. The four major agricultural products,

in terms of value received from exports, are coffee, cocoa, tropical woods, and bananas.

The Ivory Coast is the world's third leading producer of coffee and its fourth producer of cocoa. These two crops accounted for 73 percent of the country's export revenues in 1960. Ivory Coast traditionally has had a favorable balance of trade.

Ivory Coast's foremost need today is rapid exploitation of its economic potential. With an economy already more diversified than any other in West Africa, Ivory Coast has undertaken to increase public expenditure and to induce increased private investment in the industrial sector, with the hope of overcoming the need for foreign aid by 1970.

United States-Ivoirien relations are friendly and close. The United States is sympathetic to Ivory Coast's program of rapid, orderly economic development and to Ivory Coast's moderate stance on international issues.

Mr. Speaker, in the late months of 1965, when I was engaged as a delegate to the 20th General Assembly of the United Nations, four members of the Committee of Foreign Affairs, visited Africa under the direction of Congressman CHARLES C. DIGGS, JR., vice chairman of the Subcommittee on Africa. I am extending my remarks to include the following account of the study group's visit to the Ivory Coast as reported on pages 39–41 of House Report No. 1565:

IVORY COAST

The members of the study mission met with President Houphouet-Boigny who led the struggle for independence in French-speaking Africa and whose prestige extends beyond the boundaries of his own country.

The President was a Member of the French Parliament prior to independence. The experience he acquired as a parliamentarian in Europe adds to his ability to govern his nation effectively.

Although the Ivory Coast has 60 tribal groups, none is dominant, thus lessening the risk of political problems.

The President is very conscious of the Red Chinese threat and ambition to colonize Africa. His Government and those of several like-minded countries have taken a strong stand against Peiping in African and international meetings. He advocates a unified policy among African states to counter Red Chinese activity in Africa.

It is to be noted that this nation does not yet have diplomatic relations with the Soviet Union nor any of the Soviet bloc countries, including Yugoslavia, although last fall the Government announced its willingness to consider establishing such relations.

The Ivory Coast has no dazzling natural assets, but its land area is extensive and it has one of the lowest population density percentages on the continent.

The Ivory Coast is the only country which has announced the goal to be completely independent of foreign assistance by 1970. It is the President's strong belief that independence will not be complete until the nation is economically independent. Although certain economic problems may make the attainment of such an objective in so short a period appear overly ambitious, it is a point to be noted and encouraged.

A visit was made to the National Assembly and discussions were held with the President of the Assembly and parliamentarians.

A meeting with American business representatives produced encouraging discussion on the potentialities of more U.S. private investments in the country.

ECONOMY

The Ivory Coast is one of the few African countries today that has become steadily more prosperous since independence. Both gross net product growth and per capita income have increased about 10 percent per year since the nation became independent. Inflation, however, is very much in evidence.

The country is the third largest coffee-producing nation in the world. Last year, the United States purchased approximately $47 million worth of Ivoirien coffee. The sale of coffee has been a major factor in building the nation's large reserve account. In the current year and in the years to come, declining coffee sales are expected to reduce the nation's large reserve holdings. The Ivory Coast's current production of coffee considerably exceeds its quota under the International Coffee Agreement, to which it is signatory.

Since coffee and cocoa are the chief cash crops and a decline in their sales is anticipated, the nation is making great plans for diversification of crops for export. One project contemplated would raise a rice crop for local consumption and export. Serious consideration is being given to the establishment of a fishing industry. A fisheries training vessel, the *President Kennedy*, is under construction in the United States and is due for delivery to the Ivory Coast in the next few months. The country is particularly eager for the United States to share with it its knowledge relative to the tuna industry.

U.S. ASSISTANCE

The U.S. economic aid programs for the Ivory Coast have been relatively modest. The total development grants, development loans, and food-for-peace assistance for fiscal years 1961–65 is $18.8 million. Of this total, $6.7 million represents two development loans and $6.6 million represents proceeds from commodities under titles I and IV of Public Law 480. As an example of economic viability and constructive economic planning, an airport is to be built in the south-central section of the nation in a pilot demonstration area around which it is planned to center a number of development projects. The project will cost $1 million, with the equivalent of $500,000 from food-for-peace sales proceeds.

AMERICAN WEEK

Later in 1966, in the city of Abidjan, the capital, an exhibition called American Week is to be held. American representatives of U.S. firms will display manufactured products from this country in order to promote better business associations with the local populace. The Department of Commerce and USIS will assist in the exhibition.

AFRICAN DEVELOPMENT BANK

The African Development Bank was inaugurated on November 4, 1964. The Bank is the first institution of its kind to be established by African governments, financed by African capital, and directed by Africans. It has the objective of playing a vital role in the development of Africa.

The headquarters of the Bank is located in Abidjan, Ivory Coast. At the time the study mission was in Abidjan no fewer than 27 independent African nations had already joined the Bank and paid their initial subscription toward the authorized capital stock. Others are expected to join in the near future.

The Bank is not asking the United States to subscribe to the capital stock. An offer to provide technical assistance to the Bank has been made by our Government.

AROUND-THE-WORLD CONCERT TOUR OF WITTENBERG UNIVERSITY CHOIR

Mr. CLARENCE J. BROWN, JR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CLARENCE J. BROWN, JR. Mr. Speaker, the choir of Wittenberg University of Springfield, Ohio, in my congressional district, is now in the homestretch of a 24,000-mile, 49-day, around-the-world concert tour. The Wittenberg Choir, conducted by Dr. L. David Miller, dean of the Wittenberg School of Music, is believed to be the first coeducational music organization ever to make an around-the-world concert tour. The 1966 tour is the third overseas trip for the choir, which made tours in Europe during the summers of 1961 and 1964.

One unique feature of the Wittenberg Choir tour is that the trip was financed entirely by the choir, with the largest portion of the expenses coming from the private enterprise of the choir members. Each member was required to contribute $1,000 toward the expenses. Baking pizzas, nursing, sandblasting, sorting silver, waiting tables at a dude ranch, taking photos of Santa Claus, and laboring in a steel plant were some of the methods used by the young people. This willingness to work and to pay their own way was one of the factors that helped to create considerable respect for Wittenberg students on the two previous tours abroad.

The choir embarked on the tour with many wishes for success and Godspeed. Among these was a proclamation issued by Ohio's Gov. James A. Rhodes commending the choir for the efforts to be made in furthering amity and good will on its tour and stating that the choir will be conveying greetings to hosts around the world from the more than 10 million citizens of Ohio.

Wittenberg University's president, Dr. John N. Stauffer, appraised the choir's role in a threefold fashion:

You will be, it seems to me, witnesses to the Christian Gospel, envoys for Wittenberg, and ambassadors of American freedom and of American responsibility in the world.

The choir prepared three repertoires for its world tour—sacred, secular, and folk. The tour includes concerts in Hawaii, Japan, Hong Kong, Taiwan, Malaya, Thailand, India, Egypt, Lebanon, Syria, Jordan, Greece, and Italy.

Wittenberg University, affiliated with the Lutheran Church in America, has an enrollment of 5,268. It is a fully accredited small university which emphasizes the liberal arts. The Wittenberg Choir has 77 members representing 18 of the 50 U.S. States.

The July 14 Washington Post carried an article about the praise the Wittenberg Choir received for its performance in Hong Kong. In view of the fine job done by this outstanding group of American students, I am today introducing a House resolution congratulating the Wittenberg Choir on its success and acknowledging its members' contribution as ambassadors of song and good will for the United States.

The story in the Washington Post is as follows:

HONG KONG TRIUMPH—CHINESE APPLAUD WITTENBERG CHOIR

HONG KONG, July 13.—The Wittenberg University Choir drew praise from the music critic of a leading newspaper today for its first performance here.

"A large group of attractive and very talented young Americans last night gave a widely varied and excellently presented program of vocal music," said the South China Morning Post.

More than 1000 persons attended the concert at the City Hall Auditorium. The crowd, mostly Chinese, gave the student choir from Springfield, Ohio, enthusiastic applause throughout the two-hour performance.

The choirs' second and final performance was scheduled at the City Hall tonight.

The Morning Post critic said director Dr. David Miller "has achieved an extremely high standard of singing from this versatile group.

"Part singing," the critic wrote of last night's performance, "was carefully balanced and diction and enunciation were good throughout. Dr. Miller achieves a lovely pianissimo tone, all the more effective because the range of dynamics was wide and built up to strong and powerful climaxes."

The critic commented on some of the songs which were best received and said the most appreciated, perhaps, was "Evening Bell," a Chinese song which was sung in the Mandarin Chinese dialect.

It was written by David Chao, a Chinese who studied music at Wittenberg and now is in Taiwan.

All in all, the critic said, the 80 member choir presented "an enjoyable and entertaining and impressive evening of vocal music."

The choir was presented with a flag by the Music Society of Hong Kong following the performance. A large part of the audience also went backstage to congratulate the student singers.

The group, which arrived here Monday from Taiwan, leaves Thursday for Kuala Lumpur. It also is scheduled to visit Bangkok, Madras, Calcutta, New Delhi, Cairo, Jerusalem, Beirut, Athens and Rome.

I also include a list of the choir members:

WITTENBERG CHOIR PERSONNEL 1966 AROUND-THE-WORLD TOUR

OHIO

Harriet Alexander, Worthington.
Janet Barnes, New Carlisle.
Bruce Baunach, Toledo.
Barbara Bowman, Wooster.
Robert Boyce, Shelby.
James Chadbourne, Bryan.
Gary Cook, Cleveland Heights.
Gary Crist, Urbana.
William Downing, Akron.
Larry Drotleff, East Cleveland.
John Geib, Canton.
Mary Gramly, Mansfield.
Thomas Heil, Columbus.
Mary Henkle, Lebanon.
Stephen Hiltebrant, N. Ridgeville.
Thomas Hudson, Ashland.
Sarah Hunt, Lima.
Jeanette Inbody, Findlay.
Robert Lantz, Mansfield.
Rudolf Medicus, Dayton.
George Meese, Lyndhurst.
Marsha Meyers, Cleveland.
Margaret Mowery, Springfield.
Randall Myers, Bucyrus.
Thomas Orvis, Columbus.
Robert Pohowsky, Cincinnati.
Margaret Pyle, Granville.
Gloria Reed, Lyndhurst.
Pamela Rhoads, Washington C.H.
John Schuder, Dayton.
Randall Simon, Lorain.
Jeannine Smith, Marion.
Stanley Sneeringer, Lancaster.
Betty Staley, Ashland.
Howard Stephan, Lakewood.
Elizabeth Syverson, Columbus.
A. Dale Truscott, Dayton.
Ruth Updegraff, Dayton.
Mary Walborn, Columbus.
Linda Waltonen, Fairport Harbor.

COLORADO

Jo Ann Soker, Denver.

CONNECTICUT

Richard Carlson, Branford.

FLORIDA

Carol Feiser, Boca Raton.

GEORGIA

Ann Billings, Atlanta.

ILLINOIS

Mary Alice Kmet, Oak Park.

INDIANA

Mary Bean, Indianapolis.
Cheryl Boringer, Indianapolis.
Ellen Derra, Indianapolis.
Richard Heasley, Fort Wayne.
Rebecca Schuette, Auburn.

MARYLAND

Thomas Folkemer, Linthicum.

MASSACHUSETTS

Ted Randall, Boxford.

MICHIGAN

George Arends, Wayne.
Maureen Sanders, Birmingham.

MINNESOTA

Janice Hoaglund, Bloomington.
Karen Hoaglund, Bloomington.

MISSOURI

Marsha Young, St. Louis.

NEBRASKA

Susan Gosker, Hooper.

NEW JERSEY

Beth Bricker, Glen Rock.
June Forsberg, Westfield.
Richard Greten, West Caldwell.
Edythe Humphries, West Englewood.
Krysia Olszewski, Glen Ridge.

NEW YORK

Allan Grubert, White Plans.
Judith Sutcliffe, Massapequa.

NORTH CAROLINA

Jerry Cobb, Raleigh.

PENNSYLVANIA

Judith Adams, Prospect.
William Bean, Pittsburgh.
George Blind, Lafayette Hill.
Mary Everhart, Gibsonia.
John Haer, Warren.
Stephen Hurnyak, Charlerol.
Judith Skelly, Erie.
Stephen Tener, Erie.
Rebecca Thompson, Pittsburgh.

WEST VIRGINIA

Martha Beneke, Wheeling.
Kitty Woods, Huntington.
Dr. L. David Miller, conductor.
Mrs. L. David Miller.
Elmer F. Blackmer, manager.
Tracy H. Norris, publicity.
James L. Varis, photographer.

The resolution is as follows:

H. RES. —

Resolved, That the House of Representatives extends its congratulations to the Wittenberg University Choir of Springfield, Ohio, composed of young people from 18 of the 50 States, on the occasion of its around-the-world concert tour, between June 25 and August 12, 1966. The House recognizes the initiative and ingenuity of the members of the choir in financing the tour themselves. The House extends its congratulations to the choir, secure in the knowledge that the members of the choir are ambassadors of song and good will to the world for the United States.

THE CONTROVERSIAL TFX PROGRAM

Mr. LATTA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and include an article.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATTA. Mr. Speaker, the Washington Evening Star on Thursday, August 4, 1966, carried an Associated Press story on the controversial TFX program. I believe this article should be read by every Member of this House. For this reason I submit it below:

DELAY IN BUILDING TFX ACCEPTABLE TO NAVY CREATES STIR

NEW YORK.—The bitter controversy over whether Defense Secretary Robert S. McNamara forced a second best warplane on the nation's military to save $1 billion is heating up again.

This latest outbreak centers around development of the Navy version of the TFX—tactical fighter experimental—now known as the F111B.

As a weapons system—aircraft wedded to missile—the program is 12 to 18 months behind schedule.

BADLY OVERWEIGHT

The first three prototypes were so badly overweight they were useless for carrier operations.

Further, the research and development costs for the weapons system are soaring although this is not uncommon in projects involving new weaponry.

The F111—and there are two versions to date—may not turn out to be the all-weather, all purpose air superiority aircraft originally envisioned by McNamara.

The Marine Corps already has told Congress it does not intend to buy the F111 in either the Air Force or Navy versions for close air support of troops.

REPORTS OF NEW HEARINGS

There have been published reports out of Washington indicating that the Senate Investigations subcommittee, headed by Sen. JOHN L. MCCLELLAN, D-Ark., may reopen its still unconcluded hearings.

In 1963 the McClellan subcommittee heard testimony covering over 2,700 pages and collected in 10 volumes, but it never issued a finding.

To date the controversy over the F111B has swirled around the first three prototypes.

A slimmed down fourth prototype, identified as No. 4 F111B, was rolled off the assembly line in July and its builders contend it will meet the Navy's operating requirements although it, too, is still somewhat overweight. The No. 4 has been flown for 80 minutes.

"WE MUST MAKE WORK"

A Navy decision of whether to buy the F111B is not expected until December after full evaluation of a fifth prototype, which is due for production this month.

Secretary of the Navy Paul Nitze said on July 27 that the F111B was a weapons system "we must make work."

The controversy over the TFX, or F111, began in 1962 when McNamara overrode the recommendations of a 235-man panel of aircraft experts four times.

The panel had recommended acceptance of a design submitted by the Boeing Co., of Seattle.

"COMMONALITY" STRESSED

McNamara selected the General Dynamics design on the grounds that it offered the best chance of producing an aircraft with a high degree of what he called "commonality;" that is, identical parts.

The defense chief characterized the Boeing cost estimates as unrealistic although Boeing had been working on a design for a variable sweep wing aircraft, such as the TFX, since 1959.

In the original competition Boeing proposed to build 23 research and development aircraft for $466 million. General Dynamics' proposal was $543 million.

McNamara told the McClellan hearing the purchase of a single warplane for use by the Air Force, Navy and Marines would save at least $1 billion.

"ROUGH JUDGMENTS"

Subsequently, when the subcommittee asked the then comptroller general, Joseph Campbell, to check McNamara's savings claim, Campbell reported he could find no figures and quoted McNamara as saying: "He had made rough judgments of the kind he had made for many year with the Ford *Motor C.*" McNamara is a former Ford president.

During the course of the hearings there were assorted charges of favoritism, conflict of interest and lack of Defense Department cooperation, but McNamara refused to budge.

At the time of the contract award, there was congressional testimony that to buy 1,704 TFX warplanes with spare parts and spare engines would cost around $7.8 billion.

As matters now stand, Rear Admiral W. E. Sweeney told a House Appropriations subcommittee last March the Navy F111B research program was running about 30 percent higher than estimated.

MISSILE CREATES DELAY

Further, Sweeney said, overall research, development and engineering costs had climbed from $84 million to around $210 million.

One of the major delays encountered in the program has been development of the Phoenix missile. Research costs reportedly have climbed from $137 million to around $240 million.

The TFX, or F111, comes in two versions—the "A" for the Air Force and the "B" for the Navy. General Dynamics claims the two versions have 85 percent commonality. The F11B is being built for General Dynamics by Grumman Aircraft Engineering Corp., on Long Island, N.Y.

Both versions employ a wing which will sweep from 16 degrees off a right angle extension, or nearly straight out, to 72.5 degrees for high speed operations.

The Air Force version has a wingspan of 63 feet and is 73 feet long. The Navy version has a 60-foot wing span and length of 66.8 feet.

MISSIONS DIFFER

The Air Force has bought the F111 as a fighter-bomber, while the Navy plans to use it as a long-range interceptor.

Since their missions differ, the electronic equipment, or "black boxes," differ radically.

The Air Force version is designed to travel at two and a half times the speed of sound at its service ceiling of 60,000 feet, while the Navy version is supposed to reach 2.2 times the speed of sound at 55,000 feet. The speed of sound at these altitudes is 660 miles an hour.

Air Force and industry sources say the F111A had exceeded its speed requirements, has carried a full load of 48 bombs each weighing 813 pounds, and has reached its service ceiling.

General Dynamics had produced 14 of the proposed 18 F111As at its Fort Worth plant. There is no weight problem with the F111A.

WEIGHT IS CARRIER PROBLEM

As for the Navy versions, the No. 3 had a 78,000-pound gross weight, a fact which set off the current controversy when the information became public.

Since the Forrestal class carriers have an elevator capacity of only 79,000 pounds, this meant the No. 3, if used by the Navy, would have to be fueled and armed on deck, thus reducing some of the carrier commander's operating flexibility.

After an intensive weight-reduction program, Grumman turned out a slimmed down F11B in July with a gross weight of 64,778 pounds, according to one source. This was still higher than the maximum of 55,000 pounds set by the Navy.

On the basis of information gleaned from assorted sources in Congress, among the military and in industry, here is the way the No. 4 F11B compares with the original specifications.

The Navy asked for an empty weight of 39,000 pounds, No. 4 weights 43,000 pounds.

REQUIREMENT CHANGED

The Navy specified an aircraft which could land on a carrier anchored in a dead calm. This requirement was changed by McNamara to an arresting wind-over-deck of 10 knots, or 11.6 miles per hour.

With its new high lift wings, No. 4 can land at 105 knots with an arresting wind of between 15 and 18 knots. The Navy's current fleet jet, the Phantom II (F4) lands at about 132 knots and has an arresting wind requirement of 32 knots.

The Navy originally asked for an aircraft which could "loiter" for more than three hours at a distance of 750 miles from the fleet. This was reduced by the Pentagon to a range of around 500 miles and a loiter time under three hours. No. 4 is expected by Grumman to meet the compromised loiter and range requirements.

The service ceiling of 55,000 feet has yet to be met by the F111B. A Grumman spokesman said the No. 3 was never taken to its ceiling because Grumman knew it was overweight and unacceptable. The No. 4 is expected to meet the Navy specifications, he said.

CONTROVERSY ON COSTS

One of the chief sources of the controversy concerns costs and in this area there is a welter of often confusing and conflicting figures.

The Pentagon has announced a plan to buy 431 F111s, 24 of which will be for the Navy. This figures out to a unit cost of $2.3 million. General Dynamics' original unit cost estimates, based on an order of 1,704 aircraft, with spare parts and spare engines, came to $2.9 million each.

What makes the Pentagon purchase order unusual is that it was announced before a final decision on the F111B had been made and even before the No. 4 improved model had been turned out.

A congressional source said in an interview he understood the unit cost had soared to around $9 million but efforts to check this figure have been rebuffed. If the congressional source turns out to be right, this would mean a "buy" based on the original 1,704 proposal of $15 billion—roughly twice the original cost estimates.

BILL TO ESTABLISH ARBITRARY 4½ PERCENT INTEREST CEILING AND TO SET DIVIDEND CEILING REQUESTED

Mr. BROCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BROCK. Mr. Speaker, on the bill we are considering, the Civil Rights Act of 1966, many of us thought that the 21-day rule was grossly abused. The Committee on Rules had hardly a few hours to consider the confusing and misleading committee report before a 21-day rule resolution was put in the hopper.

Yesterday the chairman of the Committee on Banking and Currency took the floor of the House and pleaded with Members of the House to ask the Committee on Rules to grant a rule on H.R. 14026. Among other things, this bill would place an arbitrary 4½-percent interest rate ceiling on certain types of time deposits in commercial banks, as well as grant standby authority for the Home Loan Bank Board to set dividend ceilings on savings and loan share accounts.

This bill was reported from our committee on July 28. Barely a few hours later that afternoon the chairman of our committee introduced House Resolution 941, a resolution to discharge the Committee on Rules after 21 days. After having reported the bill, it turns out that the Johnson administration itself is unalterably opposed to setting statutory interest rate ceilings. Yesterday the Treasury Department told a Senate committee that enactment of the House bill could have catastrophic results on the homebuilding industry.

Mr. Speaker, once again we are witnessing a reckless abuse of the 21-day rule. By the request for its invocation, the responsibility for calling this measure before the House no longer rests with the Committee on Rules but squarely on the shoulders of our beloved Speaker. For the sake of accuracy, if the Members of the House want to risk a financial crisis of monumental proportions by enacting this measure, they should address their appeal for quick action to the House leadership—not the Committee on Rules.

Students of House parliamentary procedure should study this embarrassing predicament in order better to comprehend the dangers of hasty consideration inherent in the 21-day rule.

Mr. Speaker, I cannot think of more irresponsible action than if the Committee on Rules heeded the pleas of Chairman PATMAN and reported a rule on H.R. 14026 prior to expiration of the required 21-day rule. Rather they might reappraise the minority's request for hearing from Treasury officials, especially in light of their recent opposition, and send the bill back to committee for more judicious and responsible consideration.

TAXPAYERS SHOULD BE ADVISED OF CONSTITUTIONAL RIGHTS

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Speaker, in recent days much publicity has been given to the decisions of the Supreme Court regarding the rights of persons accused of crime to have counsel at all stages of the proceedings. Equal publicity ought to be given to the recent decision in *Kohatsu* v. *United States*, 351 Federal 2d, 898, which held that a taxpayer does not have to be told of his constitutional rights during a criminal tax investigation.

This decision was reached although the Internal Revenue Service investigations affect more people and is responsible for more criminal prosecutions than any other Federal administrative agency. The Ninth Circuit specifically held that the rule of the Supreme Court of the United States enunciated in *Escovedo* v. *U.S.*, 378 U.S. 478, which requires the assistance of counsel, was inapplicable to the situation where a routine civil tax audit conducted by a revenue agent changed into a criminal investigation conducted by a special agent of the Intelligence Division. The court held that the special agent was under no duty when he first entered the case and began seeking incriminating information to advise the taxpayer of his constitutional rights.

In the Kohatsu case the taxpayer's personal income tax return for 1958 had been assigned to a revenue agent for a routine audit. The audit continued for about a year during which time the taxpayer allowed the revenue agent full access to his books and records. Subsequently a special agent was assigned to the case and the criminal investigation began. The taxpayer was not advised relative thereto. A year and a half after the special agent was assigned to the case the taxpayer was requested to appear at the Intelligence Division for a formal interview. He appeared without counsel. At this point he was advised as to his constitutional rights. It was some 3 months after this interview that the taxpayer realized he was subject to criminal investigation. It was the Government's contention that the stage at which the taxpayer was entitled to learn that he was involved in a possible criminal charge was at the time of arrest or indictment. With this contention the Ninth Circuit agreed.

INTERNAL REVENUE SERVICE'S FOOT DRAGGING ON PROMISED "RIGHTS" FOR EMPLOYEES AGGRAVATES NAIRE

Its patience at an end, NAIRE today vigorously chided the Internal Revenue Service for its failure to follow through on a bargain struck in principle 1 year ago, which would give IRS workers a right to counsel when they are in trouble.

Shortly before its 1965 convention NAIRE began consulting in earnest with top IRS officials on the employee organization's proposal for a right-to-counsel regulation covering IRS employees undergoing investigation by IRS inspection teams, where the investigations might result in either administrative discipline or criminal prosecution. NAIRE spokesmen conferred repeatedly with IRS management, and even furnished drafts and revised drafts of the desired regulation.

The parties achieved an agreement in principle during late August of 1965, and refined the specifics of the regulation by the end of the year.

Before actually promulgating the regulation—which was to take the form of a "Commissioner's letter" from Commissioner Sheldon Cohen—IRS said it had to get clearance from the inside.

The clearance operation must have required a lot of steps, since the regulation has not been released to this day, in spite of repeated queries and other efforts by NAIRE to pry it loose.

Said NAIRE Executive Secretary-Treasurer George Bursach today:

This is a story NAIRE tried hard not to break, but we are absolutely at the end of our rope. What both sides agreed to in good faith at least a year ago has still not been implemented. In spite of what IRS management says for the record, we don't know the true reasons for the delay. We only know that the delay itself is inexcusable, and undermines the whole theory of collective bargaining as "equals" between employee organizations and Federal agencies.

Bursach went on:

If this is an example of democratic collective bargaining within the IRS, we might as well revert to a monarchy, where we at least don't have our hopes aroused by an agreement, then see them destroyed by inaction on the part of our so-called bargaining partners.

NAIRE and IRS even went so far as to take ceremonial pictures of Commissioner Cohen and NAIRE President Thomas Ravielli back in March of this year for release "within a few days," as IRS officials then put it, according to Bursach.

The official reason assigned by IRS for the long delay is that the proposed regulation has not yet been cleared by its Office of Chief Counsel.

COULD WE RUN A RAILROAD LIKE CONGRESS PERMITS ITS MONETARY AFFAIRS TO BE OPERATED? WHY SHOULD INTEREST ON $42 BILLION BE PAID ON U.S. GOVERNMENT BONDS THAT HAVE BEEN PAID FOR ONCE? WHY SHOULD CONGRESS PERMIT THE TREASURY TO REFINANCE U.S. BONDS THAT HAVE BEEN PAID FOR ONCE?

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Treasury Department announced last week the refunding of bonds maturing August 12 and November 15, 1966. The Treasury Department will pay 5¼ percent on these new issues.

The alarming thing is that the Federal Reserve Open Market Committee holds in the New York Federal Reserve Bank $5,851 million of these bonds and these bonds have been paid for once.

Now, the Federal Reserve is getting new bonds for these $5,851 million that are being refinanced. The added interest will increase the income of the Federal Reserve by $80 million per year.

Why should new bonds be given for bonds that have already been paid?

If Congress does not give more attention to what is being done in this field, our interest rate burden will be so great that the people will be unable to bear it and, at the same time, enjoy a proper standard of living.

Remember, interest owed by the Government comes first when taxes are paid. It is the first item that must be taken care of; other programs must take a back seat.

Now, our annual interest payment of $13 billion on the national debt is the second largest item in our budget, second only to national defense expenditures.

If interest increases in the foreseeable future as it has in the past few years, it will not be long until the Federal Government will be unable to finance necessary programs because of high interest.

We are paying twice as much interest on the national debt as we would be paying if the Roosevelt-Truman rates had remained in effect. Because of the high interest imposed by the Federal Reserve with the consent and approval of the Eisenhower administration, we are annually paying $6½ billion more than we would have been paying under the rates effective when the Republicans came in in 1953. The fact is, we have paid since that time in interest $60 billion more than would have been necessary under the old rates. Remember too that the old rates remained effective for 20 years, through the period of World War II and the Korean conflict and also through the worst depression in our history. So if the old rates could have been maintained under these conditions for 20 years, they certainly could be maintained now.

SEIZED INDEPENDENCE OF THE FEDERAL RESERVE

The Federal Reserve under its seized independence has doubled the long-term interest rate the last 15 years.

Short-term rates have been affected drastically. What it cost the Federal Government during World War II to borrow a certain sum of money for a definite period of time should be compared to what is being paid by the Federal Government today. A cost of $100 on such short-term securities then costs the Federal Government $3,000 today; that is inflation at its worst in addition to the 100 percent on long-term Government obligations.

These interest rates are not only exorbitant; they are unnecessary and certainly unearned.

The 37½-percent Federal Reserve increase in interest rates in December 1965

is imposed on top of then already exorbitant rates.

Congress is responsible for this condition. Congress has not been doing its job in this area. The Federal Reserve has $42 billion in U.S. Government bonds in the Federal Reserve Bank in New York. If anyone is under bond for the safekeeping of these bonds, the information is not available. The Federal Reserve is collecting between $1½ and $2 billion a year interest on these bonds that have been paid for once. The $5,851 million that are now being refinanced are a part of this $42 billion.

How can anyone justify the Government's monetary matters being operated in such a way as the Federal Reserve is allowed to operate on the Government's credit?

NO AUDITS

The Federal Reserve has never been audited by an independent auditor or by the General Accounting Office. The Federal Reserve has never been audited by an independent auditor or the General Accounting Office since it became a central bank in 1935. Practically all other Government agencies are audited by the Comptroller General, but not the Federal Reserve.

It would be a good time to see an audit that has been conducted by the General Acounting Office of the Federal Reserve System. However, the Federal Reserve has refused to permit the Comptroller General to audit the system.

In December 1965, the Federal Reserve in defiance of the President arbitrarily increased interest rates 37½ percent by an amendment to regulation Q.

The Federal Reserve, as claimed, is not independent of the Government under the Constitution. Its only independence has been seized. It only has "squatter's" rights to its title to independence. I would not say its independence has been seized like Castro seized Cuba because Castro did run a risk of his life and the lives of other people in order to take over Cuba. The Federal Reserve has just as effectively taken over the monetary system in this country by infiltration and a seizure of power without firing a shot or spilling a drop of blood. Castro's conquest is insignificant in value in comparison to the wealth of the commercial banks of the country who are in on this scheme and device.

Congress should give more consideration to what is going on in the financial area involving interest rates, fair allocation of credit, and related matters affecting the public interest.

A commercial bank has lots of power. I am not against commercial banks; I am for them as long as they do not operate against the public interest. I do not want to be a party as a public official to the banks operating through the Federal Reserve System and their tremendously powerful American Bankers Association in taking advantage of the people and of our own Government.

The Federal Reserve has been so bold in its actions that when terrible things—like the $42 billion in bonds being held in the Federal Reserve Bank of New York that should be canceled and the national debt reduced that much—are called to the attention of Congress and the people of the Nation, the exposure is so terribly bad it is considered incredible and many people interrogated about it will reply, "I just do not believe Congress will let anything like that go on." It is difficult to believe that Congress would let things like this go on, but they are going on; they are happening every day. The people are being robbed and coming generations penalized through the payment of unearned interest.

When Abraham Lincoln was President, he made a statement that was often repeated and similar to one attributed to Horace Greeley. A quotation from President Lincoln's statement is as follows:

> The money power has established a more vicious form of universal slavery over the American people than ever was established over the American Negro.

This was over 100 years ago.

The American Bankers Association has been operating for the last hundred years. This association is always on the job here in Washington with plenty of high-paid representatives, most of whom have occupied important positions in the three branches of our Government. They are ever on the alert to make sure that no law is passed that would be detrimental to the profits of the banks and to make sure that every privilege that it is possible to be obtained for the banks is obtained for them.

When you consider that this lobby has been on the job a hundred years with the benefit of all the experience that it has had under capable management, it is in a powerful position to deal with Members of Congress who spend 2, 4, or 6 years, or longer, in the Congress. In addition to the powerful lobby of the American Bankers Association itself, which reaches into every community in our Nation, there is an interlocking relationship between the banks and the big businesses of the Nation. These big businesses also have lobbies in Washington and when the bankers need their help, it is available because they have a mutual interest brought about by interlocking relationships of the different businesses.

When these facts are considered and we realize what has happened here in the United States the last few decades, we cannot help but wonder how long the working people, the plain people, and the average people can stand up under such burdens which are unfairly taken and unlawfully seized.

The question is, When will Congress commence to give attention to these many major problems that are robbing the people in broad daylight and putting our country in bondage for generations?

TWO GOVERNMENTS IN WASHINGTON, D.C.

The truth is we have two governments in Washington—one run by elected representatives of the people, the Congress, and the President; the other run by unelected officials of the Federal Reserve, along with private bankers, who happen to be the biggest bankers in the United States who profit most from high interest and tight money.

CURRENT TREASURY REFUNDING OF EXISTING ISSUES FOR NEW 5½ PERCENT BONDS COSTING TAXPAYERS AN EXTRA $200 MILLION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Treasury Department recently announced a refunding of bonds maturing August 15 and November 15, 1966. The Treasury Department, in order to meet the present tight money, high interest rates, will pay 5¼ percent on these new issues. This high 5¼-percent rate is caused by the Federal Reserve increasing rates 37½ percent last December.

Assuming that the holders of the $9.136 billion of August 15 issue, with coupon rates of 3 and 4 percent, exchange all their holdings for the new 5¼-percent issue, the extra annual interest costs to the taxpayers will be approximately $121 million. Of this $9.136 billion, the Federal Reserve System holds $5.851 billion. So of the $121 million per year extra interest, the Federal Reserve System will receive almost two-thirds of this amount, or about $80 million per year. Here we see a fine example of the Fed profiting from its own high interest, tight money policy.

If the holders of the $5.757 billion of November 15 maturity, with coupon rates ranging from 3⅜ to 4¾ percent, exchange their holdings for the 5¼-percent new issue, the total annual interest costs amount to a little more than $71 million. The Federal Reserve System owns 15 percent of these issues and, if it exchanges these for the new 5¼-percent bonds, its cut of this extra interest rate will be about $10 million a year.

So the total extra interest charges on these refunding operations will cost the taxpayer almost $200 million more a year than he must presently pay. The Federal Reserve System will gain a profit from this escapade of over $90 million. All these high rates are caused by the Federal Reserve.

We all recognize, Mr. Speaker, that this country is at war. It is not the munitions makers who profit now from war, but the Federal Reserve and its big banking community. Secretary Fowler might take a lesson from the actions of Secretary Henry Morgenthau and Chairman of the Federal Reserve Board Marriner Eccles, when they held the Government bond rates at par throughout World War II and continued doing so right up to 1951. World War II was financed at the lowest possible rate, but now we are financing this war in Vietnam at rates determined by the big banks and the Fed—rates which I consider much too exorbitant. Mr. Speaker, I do hope in the future that Secretary Fowler considers the American public over the demands of the high-interest-rate gang. The bankers who profit the most from high interest and tight money should not

be in on these policymaking decisions, but they are. It is like presidents of railroads being on the Interstate Commerce Commission to fix freight rates.

ANALYSIS OF POLL CONDUCTED IN CONGRESSIONAL DISTRICT

Mr. MULTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a table.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, the analysis has just been completed of the poll conducted by me in my congressional district.

I sent the questionnaire to every family, without regard to political party affiliation. I am told by colleagues and professional pollsters that the response was higher than average.

My staff and I spent many long hours in drafting the form of the questions. My aim was to solicit the opinions of my constituents without indicating to them my views. At the same time I tried to be certain that the questions were presented fairly and factually and covered the important issues of the times.

I am particularly pleased with the fact that so very many took advantage of the opportunity to send me their comments about matters not included within the questions, while others made appropriate remarks enlarging upon their "yes" or "no" answers.

The results are as follows:

Results of survey by percentage of answers

Question	Yes	No	No answer
Do you favor—			
1. Defending Israel from attack by the Arabs?	80.74	15.31	3.95
2. Supplying arms to Israel to offset the Soviet arms buildup by the Arab nations in the Middle East?	86.88	9.88	3.24
3. Honoring our commitment to resist outside aggression in South Vietnam to prevent a Communist takeover?	75.89	18.23	5.88
4. Continuing to offer to negotiate peace in Vietnam with anyone, any time, anywhere, without any conditions?	77.88	17.67	4.45
5. Establishing United Nations armed forces to maintain world peace?	83.22	12.40	4.38
6. Admitting Red China to the United Nations without a commitment not to attack her neighbors?	29.42	65.30	6.38
7. Selling food to—			
(a) Russia?	44.68	49.30	6.02
(b) Red China?	31.30	62.20	6.50
(c) The United Arab Republic?	30.93	61.60	7.47
8. Restricting the sale of rifles, shotguns, and pistols?	83.58	13.14	3.28
9. Granting more Federal funds for—			
(a) Education?	82.15	13.43	4.42
(b) Transit?	69.48	25.78	4.74
(c) Rent subsidies for the elderly, handicapped, and displaced?	73.86	20.97	5.17
10. Establishing Federal standards for highway and auto safety?	90.36	6.40	3.24
11. Increasing the minimum wage of $1.25 per hour?	77.93	17.69	4.38
12. Increasing the term of office of Congressman from 2 to 4 years?	58.84	36.97	4.19

INCREASING PROBLEMS OF AUTO THEFTS

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, on July 28, 1966, I introduced H.R. 16657 to deal with the increasing problems of auto theft in this country. My statement with respect to this is to be found at pages 17550 to 17552 of the CONGRESSIONAL RECORD.

Among the problems in the field is the fact that there is no check as to ownership of motor vehicles at the time and place of export. My bill would require, among other things, that customs officials check car ownership and registration before permitting export.

This could go a long way toward reducing car thefts by making export of stolen cars difficult and, therefore, unprofitable.

In the course of my statement, I pointed out that neither statistics nor even estimates were available of the number of stolen automobiles transported outside the United States and I stated:

Unfortunately, the Federal Bureau of Investigation has no figures or even estimates as to the number of stolen automobiles which are being exported each year. This is so, notwithstanding the fact that the FBI and Justice Department have been aware of the increasing problem of stolen vehicles being transported in interstate and foreign commerce for the past several years.

In connection therewith, I have received the following communication of August 3, 1966, from the Director of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, which I commend to the attention of my colleagues:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., August 3, 1966.

Hon. THEODORE R. KUPFERMAN,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: The "News Release" dated July 28, 1966, concerning legislation introduced by you proposing proof of ownership of vehicles to be exported has been received.

In connection with your comments in this article that the FBI does not compile statistics of the number of stolen automobiles exported from the United States, I would like to bring the following information to your attention.

In 1954, the United States Bureau of Customs indicated to the FBI it had no specific regulations regarding documents which must be filed with that agency by a shipper of automobiles in foreign commerce. It was also learned it was not the practice of Customs to physically check vehicles being shipped to see if any declaration filed corresponded with the automobile. Customs advised it would not be feasible from a budget or personnel standpoint for it to physically check automoblies being exported to determine whether they were stolen.

In 1962, the FBI was advised by the United States Department of Commerce that its regulations did not require the shipper to present documents of ownership for automobiles being shipped out of the United States.

We made inquiries in 1963, at major United States seaports of Customs officials and steamship lines engaged in carrying automobiles to foreign countries to determine procedures being followed for the detection of stolen automobiles being exported. It was determined from these sources that automobile title papers need not be presented by a shipper and no physical inspection of automobiles is made by Customs.

Based upon the above information, regulations for the exportation of automobiles and the acceptance of documents governing the motor vehicle being exported are not the responsibility of the FBI. It is the function of the United States Department of Commerce to set up regulations for the exportation of automobiles. Unless a check of each vehicle being exported is made to determine whether the documentation is in proper order, a determination cannot be made as to whether a vehicle is stolen. Consequently, no information is available as to the number of stolen automobiles exported in foreign commerce.

The jurisdiction of the FBI in stolen automobile matters is found in Section 2312, Title 18, United States Code, dealing with the interstate transportation of stolen motor vehicles. An investigation under this statute is initiated upon the receipt of an allegation that a motor vehicle has been stolen and has moved in interstate or foreign commerce.

I trust this will clarify our position in this matter.

Sincerely yours,

J. EDGAR HOOVER.

LEGISLATIVE PROGRAM

Mr. GOODELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GOODELL. Mr. Speaker, I take this time to inquire of the distinguished majority leader as to the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GOODELL. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman from New York, we have finished the legislative business for this week.

The program for next week is as follows:

Monday, and as long thereafter as required, there will be a continuation of consideration of H.R. 14765, the Civil Rights Act of 1966.

Following that, S. 3105, the military construction authorization, open rule, 3 hours of debate;

H.R. 15639, increase in FNMA borrowing authority, open rule, 3 hours of debate;

H.R. 14359, Federal Aid Highway Act of 1966, open rule, 2 hours of debate;

H.R. 15963, establish a Department of Transportation, open rule, 4 hours of debate, waiving points of order; and

H.R. 483, relating to marital deductions for estate tax purposes, which the chairman of the Committee on Ways and Means, the distinguished gentleman from Arkansas, has advised me he will call up under a unanimous-consent agreement.

May I advise, Mr. Speaker, that upon the conclusion of the civil rights bill we will seek to agree on a date for the consideration of District bills, which we cannot take up on Monday on account of the civil rights bill. We hope to take up District bills immediately upon the disposition of the civil rights bill.

ADJOURNMENT TO MONDAY, AUGUST 8, 1966

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NATIONAL ASSOCIATION OF FASHION & ACCESSORY DESIGNERS

The SPEAKER pro tempore (Mr. PRICE). Under a previous order of the House, the gentleman from Ohio [Mr. FEIGHAN], is recognized for 5 minutes.

Mr. FEIGHAN. Mr. Speaker, I am pleased to note that my home city of Cleveland was chosen as the location for the 17th annual convention of the National Association of Fashion & Accessory Designers. This group, known as NAFAD, was founded in 1949 by Jeanetta Welch Brown and Ada Fisher Jones, and is composed of designers of men's, women's, and children's wear, millinery, and accessories.

This year this fine organization is being very capably guided by its national president, Mrs. Henriene H. Vincent of St. Louis, Mo.

Delegates from 30 States and the District of Columbia met at the Statler Hilton Hotel July 5 through 11, to exchange ideas and to hear a number of distinguished speakers, including Mr. Francis Coy, president of the May Co. of Cleveland, and Mrs. Margurite Belafonte, a program director for the Community Relations Service of the U.S. Department of Justice.

The association is active throughout the year publishing information on fashion trends and standards in its own magazine, Fashion Cue; acquainting its members with fashion markets; making scholarships available to promising high-school and college designers and conducting career clinics and job opportunity seminars on college campuses.

Although NAFAD is doing a remarkable and outstanding job of educating, teaching, and channeling the artistic talents of the Negro community, it has, in the best tradition of American democratic heritage, awarded its annual scholarships equally to deserving Negro and white students.

There is a demand for designers with new ideas in the garment industry, as there is a demand for imagination in so many fields, and an organization such as the National Association of Fashion & Accessory Designers deserves our attention and praise for the part it plays in encouraging creativity.

ARNOLD HOFFMANN

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, Arnold Hoffmann lived in the heart of my congressional district at 144 East 58th Street.

He was typical of the district in his interest in art and culture, but he was outstanding in his ability as an artist to convey the meaning of freedom in the anti-Nazi themes of some of his best known paintings.

His death at the age 80 is mourned because of his great contribution to society.

His obituary from the New York Times follows:

ARNOLD HOFFMAN IS DEAD AT 80—A PAINTER OF ANTI-NAZI THEMES—RUSSIAN-BORN ARTIST TURNED FROM LANDSCAPES TO TOPICAL COMMENTARY

Arnold Hoffmann, an artist best-known for his anti-Nazi paintings, died Sunday night in Lenox Hill Hospital after a long illness. He was 80 years old and lived at 144 East 58th Street.

Mr. Hoffman came to critical attention in the nineteen-twenties, in his period of mysticism and symbolism, when Edward Alden Jewell, art critic of The New York Times, saw in his work "a fusion of music and painting" and quoted the artist as saying that "music has never been far from my brush."

By 1938, Mr. Hoffmann, conscious of the bloodshed in Ethiopia, Spain and China, turned from landscapes and abstractions to white-faced women and children running from the brilliant reds of burst aerial bombs, and to trenches filled with corpses.

FREEDOM HOUSE EXHIBITION

"An artist must reflect the era he is in," Mr. Hoffmann wrote, "though some claim that art must be pure, untouched by any religious or political conflicts."

Mr. Hoffmann had at first been known as a painter of flowers, then of portraits. But of his absorption in topical commentary, he said in an interview: "I love flowers. I want to paint them, but I am ashamed to."

His war poster, "Slave World—or Free World," was bought by the Office of War Information and distributed among workers in arms factories.

In 1942, his five large anti-Nazi paintings were shown and then hung in Freedom House, because, Herbert Agar, president of Freedom House said, "these pictures can contribute as much to the fullest awakening of America as a major bombing of our cities by the enemy."

One of his paintings, "Civilization, 1940," depicted Jews—young and old, women and children—being disgorged from cattle cars at the entrance to a concentration camp. It was hung in the University of Palestine in Israel.

He commemorated the 1942 destruction of Lidice by the Nazis in a painting acquired by the National Museum of Prague. His "Defense of Stalingrad" was accepted for the Soviet Government collection. His "D-Day" took an Allied Artists prize.

A NATIVE OF ODESSA

In recent years he traveled to and painted in Israel, Greece and Spain. In 1956, Mr. Hoffmann was elected to the International Institute of Arts and Letters and in 1957 to the Royal Society of Arts in London.

A native of Odessa, Russia, he studied at the School of Beaux Arts Ostromensky, where he became a teacher before he was 20. He went on to study in Munich, Germany, and arrived in the United States in 1910.

In recent years Mr. Hoffmann turned to the rocks of the coast of Maine, where he had a summer home for subject matter. His work is in many museums and private collections.

Mr. Hoffmann was a member of the American Water Color Society, the Audubon Association and the Allied Artists of America.

Surviving are his widow, the former Laura Schwartz; two sons, Arnold Hoffmann Jr., art director of the Magazine and Book sections of The New York Times, and Dr. Arthur Hoffmann, a research chemist of New Canaan, Conn.; and four grandchildren.

A funeral service will be held tomorrow at 2:30 P.M. at Frank E. Campbell's, Madison Avenue and 81st Street.

NEW IRS RULING DISCOURAGES CONTINUING EDUCATION

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GURNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GURNEY. Mr. Speaker, I was surprised and disturbed to learn of the IRS's proposed ruling to limit income tax deductions for educational purposes. The announced changes narrow considerably the IRS's previous interpretation of the law which states that educational expenses are deductible if they are in-

curred in order to maintain or improve skills required by the individual in his present employment or to meet the express requirements of the individual's employer.

In its announcement the IRS proposed two substantive changes in the regulations for educational expense deductions. First, the proposed rules state:

If the minimum educational requirements for a trade or business, position, or specialty are changed, the fact that an individual has met the old requirements is immaterial in determining whether the expenditures for additional education undertaken to meet the new requirements are deductible.

This regulation applies even if the individual was hired on the condition of meeting these minimum educational requirements.

The second substantive addition to the present regulation is that the educational expenses which lead to the attainment of a degree are generally not deductible. The IRS takes this position on the ground that such academic achievement will either meet minimum requirements for a taxpayer to keep a job he has obtained without fully meeting its requirements or qualify him for a better job even if he did not originally have that in mind.

This narrow construction of the law seems to me entirely contrary to well established national policies of encouraging education and self-improvement. The trends in the past decade have been toward more and more financial aid from the Federal Government to those who are seeking an education. For example, the GI bill provides funds for ex-servicemen who wish to further their educations, and the Higher Education Act and National Defense Education Act provide billions of dollars for the higher education of individuals and for the development of the educational facilities of our Nation.

In light of these and other governmental acts and policies, I feel that the Government has clearly stated its position to encourage and assist Americans in the pursuit of education. My feeling is that the use of incentives, such as income tax deductions, is a better way to achieve this purpose than is the use of direct doles. Instead of interpreting the law concerning tax deductions for educational expenses more narrowly as the IRS has done, it would seem to be time for a broader interpretation.

Surely the IRS cannot be so shortsighted as to forget that in addition to the desirabliity of raising the standards of our country, education brings better jobs, higher wages, and hence more tax revenue in the long run.

It is especially important that our teachers be given every incentive available to advance their educations. However the IRS's proposed changes seem to be designed to discourage the development of the teaching profession. The Wall Street Journal gives the following examples of situations that might arise:

A teacher hired during a teacher shortage without the minimum educational background couldn't write off the cost of bringing himself up to the minimum, the Service says. On the other hand, the revenuers add, teachers required to take further courses periodically to retain their status in a school system will still be able to deduct the expense.

In addition to these examples, two examples given by the IRS in its statement on proposed rule changes substantiate my point:

I, who holds a bachelor of arts degree from an accredited college, applies for a certificate authorizing him to teach in the secondary schools in State X. Because I does not have the number of credits in professional education required by laws and regulations of State X, he is issued an emergency teaching certificate. I obtains employment as a teacher and, while so employed, obtains the additional credits in professional education necessary to obtain a continuing certificate in his position. Its expenditures in obtaining the additional credits in professional education are not deductible under paragraph (b) (2) of this section.

The second example seems to me to be even more unjust to teachers:

J, who holds a bachelor of arts degree, obtains a permanent teaching certificate to teach, in the secondary schools in State X. Subsequent to the issuance of the permanent certificate, the regulations of State X are changed to require as a condition to the issuance (or retention) of a permanent teaching certificate for the secondary schools, in addition to a bachelor's degree, a specified number of hours of graduate courses. J's expenditures for the additional graduate courses are not deductible under paragraph (b) (2) of this section.

The inequities of these proposed rule changes are not limited to teachers. It seems wholly unfair that the man who pays much of the cost of Government programs distributing tax dollars to provide schooling to improve the skills of dropouts, is denied a tax deduction for the cost of improving his own and his family's education.

If we are to continue to provide incentives for Americans to further their educations, policies of income tax exemptions and deductions for educational expenses must be continued and developed, not diminished. In addition, new programs helping students to help themselves must be instituted.

I have joined, earlier in this session, with a large number of my colleagues in introducing legislation providing a tax credit for certain expenses of higher education. I think the recent proposal of the Internal Revenue Service only serves to underline the need for such legislation to ease the tax burden on those who are striving to continue their education.

The IRS has requested comment on their proposed change. I have written to the IRS stating my position and I hope that my colleagues who share my feeling that this is a time, if anything, for broader construction of educational deductions, will join me in contacting the IRS.

BOXCARS IN THE HARVEST AREAS

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LANGEN. Mr. Speaker, I have today reminded the Interstate Commerce Commission that the Midwest harvest season is now in full swing and that the peak need for boxcars is almost at hand. It is hoped that every effort is currently being made to keep an adequate supply of boxcars on hand in areas such as the Red River Valley of Minnesota and North Dakota. As the harvest begins to move into the elevators and other storage facilities, it is imperative that whatever steps are necessary to move cars into the area be taken now.

I am hopeful that legislation passed by the Congress this year, designed to provide the ICC with additional rate-setting authority, will eventually lead to a greater supply of boxcars on the Nation's railroads. However, this legislation does not go into effect until September, and, therefore, will not contribute to a larger fleet of cars at this time. Therefore, every effort must be made now to make sure the boxcars on hand are in the harvest areas of greatest need.

INFLATION AND THE AIRLINES STRIKE

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LANGEN. Mr. Speaker, the controversy that has developed over possible congressional intervention in the airlines strike involves the entire economy of the Nation and casts an accusing finger at the root of the trouble, inflation. The American public, now inconvenienced and hampered by costly transportation delays, is suffering from a serious work stoppage that is a direct result of unwise Federal fiscal policies.

The Machinist Union's rejection of the administration proposals for settlement of the strike reflects a growing fear among the U.S. population that goes well beyond a labor union asking for increased benefits. American labor is well aware that their contractual gains will go up in smoke in the path of the flaming fires of inflation.

The uncontrolled and growing cost of government has triggered the current labor-management difficulties. The cost of government has increased faster than any other segment of the economy. If Federal guidelines are to be applied anywhere, they must be applied to Federal spending first. To do otherwise is worthless and futile.

REPUBLICAN STATEMENT ON SOUTH-WEST AFRICA

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MORSE. Mr. Speaker, yesterday seven Republican Members of the House

issued a statement calling on the administration to take the initiative in seeking an end to racial discrimination in South-West Africa. We believe that such leadership is particularly important in light of the recent decision of the International Court of Justice. Signing the statement with me were Mr. MAILLIARD, of California, Mr. FRELINGHUYSEN, of New Jersey, Mr. CONTE, of Massachusetts, and Mr. HORTON, Mr. REID, and Mr. KUPFERMAN, of New York.

I ask unanimous consent to include the statement in the CONGRESSIONAL RECORD.

STATEMENT ON SOUTH WEST AFRICA

It has traditionally been the faith of the United States that disputes between nations can and should be resolved through the rule of law. But broad acceptance of the rule of law requires that it afford justice to those appealing to it. Perhaps the most significant result of the decision by the International Court of Justice on July 18, 1966 in the South West Africa case is that it may make the concept of peaceful settlement of disputes more difficult to accept by nations anxious for change.

The decision was an unfortunate setback for those who have counseled restraint and moderation in dealing with apartheid in South West Africa. Strong United States leadership is needed now to encourage African leaders to continue the search for a peaceful settlement of the controversy. Overwrought aggressiveness would result in needless human suffering and loss of life—and would diminish the chances for constructive change.

In dismissing the suit of Ethiopia and Liberia, the International Court of Justice made what Judge Mbanefo of Nigeria, in his dissenting opinion, termed two "impermissible" distinctions; first, between the right to bring a case and the right to have that case decided, and *secondly*, between the "conduct provisions" and the "special interests provisions" of the Mandate agreement. These distinctions are legally dubious and historically myopic. But they form the basis of the decision, and that decision will stand, despite American Judge Phillip C. Jessup's brilliant dissenting opinion that it is "completely unfounded in law." The Africans will not let the matter rest there—nor should the United States.

The Court stated that it had to "apply the law as it finds it, not to make it." In fact, the Court majority appears to have ignored the law as it found it in the 1962 Judgement, by which the Court accepted *jurisdiction, which* was then considered to be final and without appeal. Instead the Court made law by giving the sanction of silence to de facto annexation and racial discrimination. Thus, the decision seems to be an unfortunate example of legal politics and judicial avoidance. Because it appears to be a political determination, the decision could cast doubt in the minds of many Africans about the efficacy of the rule of law.

In addition, the decision of the all-white members of the Court majority could severely curtail the influence of their countries in Black Africa. If the United States fails to take the initiative in seeking an end to racial discrimination in South West Africa, the western countries may be increasingly precluded from any effective influence in this issue. Thanks to the learned dissent of Judge Jessup, the United States is in a unique position to take such an initiative.

The painful silence of the Administration since the decision has been punctured only by the belated and limp State Department release of July 27th. The release contents itself with a recounting of past Court opinions while failing to acknowledge the serious political implications of this Court decision, the wisdom of the Jessup dissent, or the need for United States leadership. Only U.S. leadership now will convince the African States of the sincerity of U.S. concern for the future of non-discriminatory development and non-violent transition in Africa. Only U.S. leadership now can assure that we will be welcome in Africa when prudent leadership is most critical.

Therefore, we strongly recommend that the President:

1. Initiate a resolution at the forthcoming Session of the United Nations General Assembly, convening in September, to call an immediate Charter Amendment Convention to review Chapters XI and XII of the Charter, relating to Non-Self-Governing Territories and the International Trusteeship System, respectively. In such a Convention, the United States should support Charter amendments providing for:

(a) the automatic inclusion of former mandated territories under the League of Nations (such as South West Africa) as United Nations Trust Territories;

(b) the explicit prohibition of racial discrimination in any Trust Territory;

(c) the establishment of the right of the Secretary-General to bring action in the International Court of Justice upon a finding that racial discrimination is practiced by the administering power in the Trust Territory.

The Convention should be required to recommend any Charter amendments to the 21st Session of the General Assembly by January 1, 1967.

2. Appoint a high-level official delegation, headed by the Secretary of State, to visit African states and the Organization of African Unity in Addis Ababa, and to confer with African Foreign Ministers. This would demonstrate American concern and facilitate the development of a responsible United States policy for the resolution of the South West Africa crisis.

3. Call a White House Conference of American businessmen and bankers with economic interests in South Africa to examine in detail all proposals for a unified private and public economic policy of the United States to encourage the Government of South Africa to abandon its abhorrent policy of apartheid.

THE JUNIOR FOREIGN SERVICE OFFICERS RECEPTION

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. FRELINGHUYSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, last month several of my colleagues and I lunched here in the Capitol with the International Junior Diplomats in Washington. This is a group composed of junior Foreign Service officers in our State Department and their counterparts in the local embassies. I was most impressed, Mr. Speaker, by the effort our own young diplomats make to give young diplomats from other lands some sense of what American life is all about.

I was not surprised, therefore, to read in the press how successful the Junior Foreign Service Officers' sixth annual Fourth of July reception had been. More than 1,500 people attended this event, which was held on the eighth floor of the Department of State. The honored guests were, as always, the young representatives of more than 110 diplomatic missions here in Washington.

To add a cultural dimension to the celebration, the National Collection of Fine Arts of the Smithsonian Institution loaned an exhibit of modern American art. The exhibit provided a vivid contrast to the 18th century antiques with which the State Department's eighth floor is furnished.

This particular celebration of our national holiday was one of which we can be truly proud. It yields significant dividends of good will, international understanding, and it also promotes appreciation of American products. The junior Foreign Service officers' reception—which does so much good for our Government—costs the Government nothing. The complete cost of the reception is defrayed by contributions from junior Foreign Service officers themselves, and by contributions from patriotic individuals and corporations from every part of the Nation in the form of funds, food, and wines. Mr. Speaker, I include a list of these public-spirited individuals and institutions with my remarks:

LIST OF CONTRIBUTORS

American Export Isbrandtsen Lines.
American Security and Trust Company.
Mr. Luigi Appareti.
The Bourbon Institute.
California Cling Peach Advisory Board.
California Wine Institute.
Chrysler Corporation.
Corning Glass International.
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Delta Air Lines.
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The Mayflower Hotel.
Moore-McCormack Lines.
National Association of Manufacturers.
Natureripe Berry Growers.
Northwest Airlines.
Ocean Spray Cranberry Company.
Oregon Filbert Commission.
Portland, Oregon, Chamber of Commerce.
Schenley Industries.
Security National Bank of Falls Church.
Security Storage Company of Washington.
State Department Federal Credit Union.
Sterling Turkeys.
United States Lines.
Utah Turkey Marketing Board.
The Washington Hilton.
Westinghouse Electric International Co.
Whitman Chocolates.

DEMISE OF THE GUIDEPOSTS

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, an inflationary atmosphere now exists

in this country. I believe the Johnson administration is responsible for generating it.

The lid is off the wage-price guidelines. The guidelines are dead. The administration has made a sham of the guidelines by pursuing inflationary policies while inflationary pressures continue to build up in the economy.

The airline strike crisis and the industrywide hike in steel prices together tell the story of how the White House has shirked its responsibilities in the current economic situation.

The best exposition of this I have read is contained in the New York Times editorial of August 5, 1966, in which the Times declares:

The White House undercut its own stabilization efforts by maintaining an expansive spending policy, failing to use tax weapons to check demand and applying the guideposts in a spasmodic and discriminatory fashion.

I have long felt a tax increase could be avoided if nondefense spending were cut substantially. With that qualifier, I commend this New York Times editorial to all my colleagues in the House.

I herewith include the editorial in my statement:

DEMISE OF THE GUIDEPOSTS

The steel industry's decision to raise prices on some of its most basic products is likely to provide the coup de grace for the Administration's sagging wage-price guideposts.

Few economists ever believed "jawbone" methods of combating inflation could work indefinitely in a period of soaring economic demand, skyrocketing profits and tight labor supply. Skepticism turned into certainty of collapse when the White House undercut its own stabilization efforts by maintaining an expansive spending policy, failing to use tax weapons to check demand and applying the guideposts in a spasmodic and discriminatory fashion.

Whatever their inherent weaknesses, the guideposts represented a creative device for sharing productivity gains and protecting the purchasing power of the dollar through voluntary restraint. They helped achieve the remarkable stability of living costs the country enjoyed for the last five years. The dents put in the formula in recent months have played a significant part in pushing the Consumer Price Index up at an annual rate of 3.5 per cent; and a much faster leapfrog of prices and wages seems probable in the rest of this year. The whole economy will suffer from such a development.

* * *

The White House is right in rebuking the major steel producers for putting their price increases into effect without discussing them with the Government first. An industry that occupies such a strategic national position ought not deprive the President or his Council of Economic Advisers of an advance opportunity to comment on the implications of higher prices—and certainly not in a period of war and incipient inflation.

It is hard, however, to escape the conclusion that the steelmakers were emboldened to act unilaterally by the Administration's pathetic performance in the current airlines strike. It flagrantly conspired to undermine its own anti-inflation standards on the wage front. Then, after the strikers had contemptuously rejected a settlement endorsed by the country's President and their own, the Administration has not advice to give Congress on whether or not to enact a back-to-work law.

The Senate finally ended this unedifying exhibition of buck-passing yesterday by passing a bill under which Congress will order the machinists back for 30 days and empower Mr. Johnson to keep them at work for another 150 days if there is still no settlement. Assuming that the House goes along, the planes will fly and the machinery will begin rolling for an eventual wage agreement, under Government pressure, at a level substantially above the 4.3 per cent figure the unionists already have spurned.

The direct impact of the steel price increase will be relatively slight but its psychological effect will be great. Many other industries are likely to take their cue from Pittsburgh's giants. These will include many that have a far weaker case and perhaps even some that should be cutting prices, instead of raising them. Steel, which has long complained that its profit margins are lower than those of most other basic industries, has been selling more metal this year but making less money than it did in 1965.

The industry complains that all its costs have been going up faster than its productivity, and it cites the higher labor bill it assumed under a contract personally negotiated by Mr. Johnson last year as one key factor. The pact strained the outer limits of the guideposts but on its own, probably would not have pushed prices up without the cumulative weight of other cost increases.

The crucial consideration, unquestionably, was the sense steel has had since its jarring price confrontation with President Kennedy in 1962 that it alone in the American economy is expected to set a pattern of restraint. When the White House ignores its own hold-the-line admonitions, the chances for stability evaporate.

AIRLINES STRIKE

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. LATTA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LATTA. Mr. Speaker, I am shocked that this House is not attempting to expedite the passage of legislation passed by the Senate to end the crippling airlines strike. Thousands and thousands of Americans throughout the United States and the world are awaiting action by this House and the end of this strike—already extended too long by politics and politicians unwilling to take any action which might in any way even momentarily displease a few union bosses.

It is past time for action, Mr. Speaker, and it is the responsibility of the Democratic leadership of this House to take that action now. Committee hearings should not proceed in a leisurely, routine fashion—they should be expedited and a bill brought to this floor for action without further delay.

To delay action until the end of next week is unthinkable.

PROPOSAL FOR STUDYING THE USES OF COMPUTERS AND AUTOMATIC DATA PROCESSING EQUIPMENT IN THE FEDERAL COURT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCCULLOCH] is recognized for 30 minutes.

Mr. MCCULLOCH. Mr. Speaker, today I have written Chairman CELLER, of the Committee on the Judiciary, the following letter requesting that the committee undertake a study of the potential uses of computers and automatic data processing equipment for the Federal court system:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 5, 1966.

HON. EMANUEL CELLER,
The Chairman, The Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We are living in an age of computer technology, computers that guide rocket ships, predict voting behavior, diagnose illnesses, audit income tax returns, forecast weather, analyze the economy, report the stock market, and operate entire factories—to only mention a sampling of their usage.

Recognizing the potentials of automation for the Federal Court System, I requested in early March, 1966 that the minority staff of the Committee on the Judiciary commence preliminary studies of the problems and potentials in using computers in the Federal Judiciary. I also requested that the Legislative Reference Service of the Library of Congress prepare a memorandum on the applications of automatic data processing in legal information handling. Similarly, studies and experiments have been undertaken by a number of individuals, groups and institutions which have focused on practical and theoretical applications of computers for the handling of legal information.

The results and findings of these studies and experiments are impressive, not only because they evidence a saving of time and money in judicial administration and law practice, but because they also demonstrate a reduction in the possibility of errors in administering justice.

It has been shown that computers can be effectively employed for such tasks as jury selection, organization and control of dockets, comprehensive legal research, classification and analysis of evidence, and law enforcement. Computers are being so employed in State and municipal courts throughout the country. Federal agencies, such as the Department of Justice, have likewise assigned similar functions to computers.

Computers are today performing work that heretofore has involved innumerable man-hours. My State of Ohio early recognized the potentials of computers as a means of saving man-hours in judicial administration. Your State of New York, Mr. Chairman, is another excellent example. In New York County, IBM machines are used to process thousands of jury cards, select over 1300 jurors and count off a certain number of jurors for the Supreme, City, Municipal and General Sessions Courts; then list the names of those drawn for each court; and then type, address, stuff, seal and stamp the appropriate summonses—all in less than twenty-five minutes.

I believe the last few weeks of debate on Title I of the Civil Rights Bill of 1966 clearly demonstrates that the Federal courts could use such machines to effectively and economically comply with the strictures of the jury selection procedures defined by that Title should it become law. However, I certainly do not believe this is the only use that the Federal courts might make of automation.

The use of computers by courts does not mean an abandoning of traditional legal duties and functions. To the contrary, it is the addition of improved legal skills and tools, less susceptible to error and capable of high speed efficiency. The implications for the future are obvious. The computer

will some day be considered as essential—and commonplace—to the courthouse as typewriters, telephones and stenographic reporting.

I believe that it is time that the Congress inquire into the potentials of automation for the Federal Judiciary and ascertain if legislation is in order. Accordingly, I am requesting that the Committee on the Judiciary undertake this important study at the earliest convenient date.

If there exists a way to more efficiently operate our Federal courts, its potentials should be fully explored. If there is a means of improving the administration of justice in the Federal courts, it is encumbent upon the Congress to fully explore this possibility. If automation is the answer, then the Congress must give the Federal Judiciary the benefits of the age of computers.

Sincerely,

WILLIAM M. MCCULLOCH,
Representative to Congress.

Mr. Speaker, I should like to briefly develop the reasons I am urging such a study.

This is an era of the population explosion and the information explosion. In less than 30 years the population of the United States will be in excess of 310 million persons. Each year 25,000 new opinions are published by the courts in the United States and 29,000 new statutes are placed in the statute books of our States. Added to the some 300 million reported cases now scattered through several reporter systems and the 2 million State and Federal statutes that are similarly spread throughout the statute books, the totals are staggering. In addition to these official publications there are, of course, thousands of trade journals, legal periodicals, treatises, and texts which form a part of the working tools of the courts.

The implications of this population and information explosion for the courts is self-evident. Merely adding more courts and more judges will not solve the delays and administrative problems that plague our Federal courts. It is inevitable that as the population increases so will the information increase and so will the need for more available courts increase. It is submitted that the use of automatic data processing may be a first step toward breaking the cycle of more judges and more courts, a remedy which really has not solved the problems of delayed justice, resulting from clogged courts and already overworked judges.

Mr. Speaker, when this body was considering S. 1666 on March 2, 1966, to create additional Federal judgeships, I had occasion to state:

I believe we can act on the measure [S. 1666] before us in greater confidence, in view of the promising prospect that before we are again called upon to create a large number of additional judgeships, we will have acted on proposals to solve the problems of our escalating caseloads and burgeoning dockets by means other than merely pyramiding new numbers of judgeships every few years.

The use of automatic data processing by the courts is just such a proposal. It is not a new idea, but the use of such machinery in the Federal court system has never before been explored. It is because the "state of the art" in computer technology has sufficiently developed and the problem of clogged Federal courts has become sufficiently acute that the proposal to make use of automatic data processing equipment is particularly timely.

The potential uses of computers and the handling of legal information has the support of many distinguished members of the bar as well as the leading legal professional associations. For example, Chief Justice Warren has expressed an interest in this area and, in fact, made some preliminary inquiries as to the potential uses of such machinery by the Supreme Court. The American Bar Association, the Federal Bar Association, the Association of American Law Schools, the Association of American Bar Libraries, as well as local bar associations have special committees which are concerned with computers and law. To list the representative groups and entities involved in automatic data processing with legal projects I submit the following:

Federal Government: Department of Defense (Project LITE); Department of Justice (LEX) Antitrust Division.

State Governments—Courts: New York (Project EMPIRE); Pennsylvania; Ohio; New Jersey.

Universities: University of Pittsburgh; George Washington University; Western Reserve University; University of Oklahoma; University of Iowa; University of Nebraska.

Foundations: Southwestern Legal Foundation; American Bar Foundation (with IBM Corporation); Council on Library Resources, Inc. (Project Lawsearch).

Industry: Jonkers Business Machine; Datatrol Corporation; Systems Development Corporation.

Commercial Law Services; Automated Law Searching; Law Research Service, Inc.

Other Nations: Soviet Union; Canada; Belgium; Italy.

Among the more obvious examples of potential uses are those found in the applications that have heretofore been made of automatic data processing systems in handling legal data. For example, automatic data processing machinery is used in jury selection and docket control by a number of State and municipal courts, as well as for other administrative court details. Aside from the administrative uses of such machines, actual "judicial" uses have primarily involved comprehensive and rapid legal research. However, numerous other uses have been suggested. Chief Justice Warren at one time suggested they be used to study consistencies and inconsistencies of prior Supreme Court decisions. Other judges have expressed an interest in using this equipment for the taking of evidence in big cases—as these machines can actually read, sort out the evidence, and index a case.

In short, Mr. Speaker, I believe the time is at hand when the Committee on the Judiciary, acting for this body, should exercise leadership in exploring this vital area of government. I know the distinguished chairman of the committee will agree with me that we must have no possibility untried to secure an expeditious and exacting application of our judicial machinery. I am sure he will expedite initiation of my proposal.

Mr. MATHIAS. Mr. Speaker, I rise to thank the distinguished ranking minority member of the Committee on the Judiciary, the gentleman from Ohio [Mr. MCCULLOCH], and to associate myself with his request to the chairman of the committee.

This is a timely and forward-looking proposal. It speaks to a responsibility of which we should not delay recognition. We live in an age when we can send men into space to execute complicated maneuvers while in orbit, and return to earth with certainty, safety, and precision. Yet the earthbound journey of a lawsuit through our courts is in no way comparable. Frustrating delays, excessive costs, and the uncertainties of the availability of evidence work to erode rights and equities with the passage of time. If the precision and rapidity of the computer which has come of age in the age of space and made orbital travel possible, could be harnessed to the task of solving the mounting problems of congestion and complications in our courts, the cause of more enlightened justice would well be served.

I join with my colleague in urging the earliest consideration of this request by the chairman of the committee, and the earliest possible undertaking of this pioneering effort to assure equal justice to all the people.

THE NEED FOR A SPECIAL COMMITTEE ON CAPTIVE NATIONS—THE 1966 CAPTIVE NATIONS WEEK CALL

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD. Mr. Speaker, if ever there was a time for the establishment of a Special Committee on the Captive Nations, it is now. This point was well emphasized in the nationwide observance of Captive Nations Week this past July. From Vermont to California and Hawaii, from Florida to Washington and Alaska, the 1966 week was observed by Governors' and mayors' proclamations and also by citizen committees that planned and executed the festivities of the week.

This expanding captive nations movement clearly signifies the fact that our people refuse to be hoodwinked into any false "peaceful coexistence" while nearly a billion people remain in Red captivity. In addition, they well perceive the continued Red totalitarian control exercised in every state of the Red empire. The changes that have transpired in the Red empire have not spelled any real and genuine increases in freedom among the captive nations, whether in Central-South Europe, the U.S.S.R., Red Asia, or Cuba. They are contributing, however, to the entrenched power and rule of the Communist Parties controlling these Red states.

Mr. Speaker, at a time when imperialist Moscow and its syndicated associates are striving through deceptive "peaceful coexistence" to obtain our acquiescence and indifference toward the captive nations, the need for a Special Committee on the

Captive Nations is more urgent than ever before. Only such a committee could truly build bridges of understanding with the captive nations, the peoples themselves, as opposed to the unrepresentative, totalitarian regimes that rule over them. The longer we delay on this basic issue and forgo the wonderful opportunity we now possess to increase and intensify our understanding of the captive nations, especially those in the Soviet Union, the greater will be the costs and sacrifices our people will inevitably suffer as the collective power of the Red empire increases. And this is a heavy moral burden for anyone to bear for the rest of his life.

Some preliminary data on the 1966 Captive Nations Week observance have already come to light, and to show its scope and variety in different parts of the country, I request that the following items be appended to my remarks today:

First, a proclamation by Mayor Hugh J. Addonizio, of the city of Newark, N.J.; second, the proclamation by Mayor James H. Tate, of Philadelphia and the program, resolution, and a principal address at the Philadelphia observance; third, a message by our colleague, the Honorable EDWARD J. DERWINSKI, to the highly successful Chicago observance led by Mayor Daley; fourth, the statement on the week by Vice President HUBERT H. HUMPHREY; fifth, a letter published in the July 19 issue of the Pittsburgh Press on "Captive Nations Week: A Time of Sorrow"; sixth, a release on "Captive Nations: A Force for Peace," by the National Captive Nations Committee; seventh, the committee's invitation to a Captive Nations Week reception in the Capitol, which was attended by many of our Members; eighth, a July 8 editorial in the New York Daily News and a clarifying reply by Miss Vera A. Dowhan, of Washington, to "Captive Nations Week"; ninth, the "Manifesto for Captive Nations Week, 1966," issued by the Conference of Americans of Central and Eastern European Descent in New York; tenth, a letter to the editor in the Hartford Courant in Connecticut on the theme "Toward Freedom of the Captive Nations"; eleventh, the programs, parade formation, worship service, and appeal by the League of Prayer for the Captive Peoples sponsored by the Free Friends of the Captive Nations in St. Louis, Mo.; twelfth, an address prior to the week delivered by Dr. Lev. E. Dobriansky, of Georgetown University, on "Youth, America, and the Future," and given at St. Basil Academy in Philadelphia; and, thirteenth, the text of a sermon delivered by Rev. Morton A. Hill, S.J., which appeared in the Catholic News on July 28, entitled "Formula for Freedom":

PROCLAMATION: CAPTIVE NATIONS WEEK

Whereas: the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Odel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas: the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas: the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas: the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, Hugh J. Addonizio, Mayor of The City of Newark, New Jersey, do hereby proclaim that the week commencing July 17 through July 23, 1966, be observed as Captive Nations Week in Newark, New Jersey, and I do call upon the citizens of Newark to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

In witness whereof, I have hereunto set my hand and the seal of The City of Newark, New Jersey, this seventeenth day of July, 1966.

HUGH J. ADDONIZIO,
Mayor.

CITY OF PHILADELPHIA: CAPTIVE NATIONS WEEK, JULY 18–23, 1966

Whereas The Senate and the House of Representatives of the United States of America have by Resolution requested and authorized the President of the United States to designate the third Sunday of July as the beginning of Captive Nations Week; and

The City of Philadelphia is linked to these Captive Nations through the bonds of family, since numbered among the people of Philadelphia are hundreds of thousands of our citizens who through nativity or ancestry treasure the heritage which endowed them with the culture and industry which are theirs; and

The roll of nations held captive by Russian Communist colonialism is one of appalling length and we now find the Red tide has come to within ninety miles of our shores;

The principles of self-government and human freedom are Universal ideas and the common heritage of mankind; and

The people of Philadelphia, in common with all the peoples of the United States, want for the peoples of Captive Nations the same freedom and justice which is theirs;

Now therefore, I, James H. J. Tate, Mayor of Philadelphia, do hereby proclaim the week beginning July 17, 1966, as Captive Nations Week and urge the people of Philadelphia to arrange for observance of the occasion in appropriate ceremonies and to join in support of the just aspirations of the people of the Captive Nations for freedom and National independence.

JAMES H. J. TATE, *Mayor.*

Given under my hand and the Seal of the City of Philadelphia this eighteenth day of July, one thousand nine hundred and sixty-six.

PROGRAM: CAPTIVE NATIONS WEEK CEREMONIES, INDEPENDENCE MALL, PHILADELPHIA, 3–4 P.M., SUNDAY, JULY 24, 1966

National anthem: By the Assembly.

Invocation: The Rev. John Fatalik, representing His Excellency Archbishop Krol. Father Fatalik is pastor of St. Agnes Slovak Church.

Welcome: Ignatius M. Billinsky, Executive Vice Chairman, Greater Philadelphia Captive Nations Committee and Master of Ceremonies.

Opening address: Dr. Austin J. App, LaSalle College, Chairman Greater Philadelphia Captive Nations Committee: "The Captive Nations, Urgency of Their Liberation."

Philadelphia Captive Nations proclamation and remarks: The Honorable James H. J. Tate, Mayor of Philadelphia.

Pennsylvania Captive Nations proclamation by Governor William W. Scranton: To be read wth remarks by Governor Scranton's representative, Mr. John Acton, Esq., President of the Youth Advisory Board to Governor Scranton.

Presentation of guests of honor: Master of Ceremonies, Mr. Billinsky.

Presentation of captive nations girls in costume: Mrs. Rima Mironas.

Main address: Judge E. Leroy Van Roden, President Judge, Orphan's Court, Media, Pa. "The Spirit of Captive Nations Week."

Resolutions: Presented for approval by acclamation by Mrs. Margit Rohtla, Captive Nations Committee Secretary.

Benediction: The Rev. Giragos H. Chopourian, Armenian Martyr Congregational Church.

PROCLAMATION

President Lyndon B. Johnson proclaimed the week beginning July 17th as Captive Nations Week on July 8th. On July 14th Governor Scranton issued a proclamation for the same week, and on July 18th, Mayor James H. J. Tate did so for Philadelphia. On July 17, 1959, Congress requested the President annually to proclaim the third week of July Captive Nations Week "until such time as freedom and independence shall have been achieved for all the captive nations of the world."

The committee sincerely thanks the Mayor's Office, the Philadelphia Park Commission and the Philadelphia Police Department for their services, advice and cooperation.

GREATER PHILADELPHIA CAPTIVE NATIONS WEEK RESOLUTIONS

(Adopted by acclamation at the mass rally at Independence Mall, Philadelphia, July 24, 1966.)

Whereas, the U.S. Congress on July 17, 1959, requested the President annually to proclaim the third week of July Captive Nations Week "until such time as freedom and independence shall have been achieved for the captive nations of the world"; and

Whereas, President Johnson on July 8 proclaimed the week beginning July 17 Captive Nations Week nationally, and Governor William W. Scranton on July 14 for the Commonwealth of Pennsylvania, and Mayor James H. J. Tate on July 18 for Philadelphia; and

Whereas, 1966 marks the tenth tragic anniversary of the Soviet-Russian suppression of the Hungarian fight for freedom, the thirteenth since that of East Berlin, and the twenty-fifth since the mass deportations by the Soviet Russians of Latvians, Estonians, and Lithuanians from their homelands; and

Whereas, Sino-Russian imperio-colonialism continues to enslave Albania, Armenia, Azerbaijan, Bulgaria, Caucasus, Mainland China, Cossackia, Croatia, Cuba, Czechia, Eastern Germany, Estonia, Georgia, Hungary, Idel-Ural, Latvia, Lithuania, North Korea, North Vietnam, Outer Mongolia, Poland, Rumania, Serbia, Slovakia, Slovenia, Tibet, Turkestan, Ukraine, White Ruthenia; and

Whereas, in an age of enlightenment and self-determination any imperialism and colonialism but especially the brutally totalitarian one of Soviet Russia is irreconcilable with human rights and the United Nations Charter: Now therefore be it

Resolved by the Captive Nations Committee of Greater Philadelphia and this assemblage gathered at historic Independence Mall this July 24, 1966,

That the United States should proclaim and pursue a policy most likely to assure the liquidation of Soviet-Russian colonialism and Communist tyranny, and promote the speedy liberation and independence of all the captive nations; and

That to this end, recognizing the power of conscience, right, and justice, when resolutely applied, for undermining colonialism, the U.S. should apply unremittingly every possible moral, economic, and diplomatic means; and

That all cultural and economic intercourse with Communist governments should be on the basis of concessions and considerations conducive to the eventual liberation of the enslaved peoples; and

That where and when Communist aggression or subversion becomes acute, as at present in South Vietnam, the United States should intervene with whatever armed forces and modern weapons needed so as not only to repel such aggression but to assure the independence and self-determination of the involved countries; and

That, in as much as American armed forces are fighting against Communist armies in Vietnam, all trade with Communist bloc countries which send arms and munitions to North Vietnam should be banned; and

That, the American delegates to the United Nations and to other councils should at every opportunity expose the Sino-Russian imperialism and colonialism, including that over not only the Satellite nations but also the captive nations within the Soviet Union, such as Ukraine, White Ruthenia, Georgia, etc.; and

That, to implement American dedication to the eventual independence of all the Captive Nations effectively, the House of Representatives should establish a Special Committee on the Captive Nations; and

That a Captive Nations Freedom Stamp series should be inaugurated and a Freedom Academy established; and finally

That copies of these RESOLUTIONS be transmitted to the President of the United States, the Secretary of State, both senators from Pennsylvania, all the congressmen of the Greater Philadelphia area, and to the newspapers, radio and television stations of the area.

(Presented by the Captive Nations Committee of Greater Philadelphia.)

THE CAPTIVE NATIONS: WHY AND HOW TO LIBERATE THEM

(Address by Austin J. App., Ph. D., Phila. Pa., chairman, Captive Nations Committee of Greater Philadelphia; associate professor of English, LaSalle College; honorary president, Federation of American Citizens of German Descent; at Captive Nations Week observance, Independence Mall, Philadelphia, July 24, 1966)

Honorable Judge van Roden, Reverend Clergy, Distinguished Guests, Ladies and Gentlemen:

Our Captive Nations Committee of Greater Philadelphia and I as chairman welcome all of you here at the site of the Liberty Bell to this Captive Nations Observance which implements the noble Congressional Resolution of July 17, 1959, that there be such annual observances "until such time as freedom and independence shall have been achieved for all the captive nations of the world. That Resolution seven years ago specified twenty-one such nations under Communist colonialism.

We are also grateful for and try to implement President Johnson's proclamation of July 8 for the nation, which is presently fighting the extension of Red tyranny in South Vietnam, Governor Scranton's of July 14 for Pennsylvania, and our own Mayor Tate's of July 18 for Philadelphia. And we are elated that the Honorable Judge E. Leroy van Roden is our main speaker.

Since World War I, largely under the impact of American public opinion and moral and diplomatic pressure, Western colonialism in Africa and Asia has almost disappeared. This Western Colonialism was often benevolent; it certainly never needed a barbed wire entanglement and a Berlin-type wall to reduce its colonies to virtual concentration camps.

But a monstrous colonialism, which tragic U.S. policies at Yalta and Potsdam and for a decade thereafter like Frankenstein helped to expand, if not to create, is the totalitarian Soviet-Russian colonialism. It stretches from the middle of Europe to the ends of Asia. It inflicts an atheistic barbarism on one billion people. And it subjects to colonialism 115,000,000 once independent Christian people in such captive satellite nations as the Baltic, Poland, Hungary, Eastern Germany, and it cruelly deprives of freedom and self-determination another 133,000,000 peoples of captive races inside the USSR: Ukrainians, Armenians, Byelo-Russians, Mongolians and others. Soviet Russia also plotted and accomplished the Red enslavement of Yugoslavia, China, North Korea, Cuba, and North Vietnam.

Finally in 1950 Washington checked the extension of this Red colonialism to South Korea with 37,133 American lives; it is now belatedly but rightly doing so in South Vietnam. But these tragic wars fought in what is left of the Free World merely demonstrate the fallacy of containment. It is both immoral and inexpedient. It is wrong to consign unchallenged to Soviet Russian slavery the 250,000,000 captive peoples. It is inexpedient and foolish to keep Soviet Russia secure behind its Iron Curtain from where it plots and directs aggression against alternating parts of the Free World costing the lives of our soldiers to stalemate.

The defeatist policy of appeasement and containment must be converted to one of conscious and determined liberation of the Captive Nations. Just as all other colonialisms were finally ended, the Soviet Russian one must end, too. A policy of liberation is not the way to a world war: it is rather the most likely, perhaps only way to prevent it. Only a Russia reduced to its proper size, with its captive peoples free and independent, will no longer be a threat to world peace or to American security. The dissolution of the Soviet Russian colonialism is the wave of the future, the obligation of progress and civilization. If the benevolent colonialisms of Africa and Southeast Asia had to go, then a hundred times more urgently must the totalitarian colonialism of Soviet Russia in Europe and Asia go.

The way to destroy this brutal colonialism without a world war is for the Free World to support the yearnings of the captive peoples with all possible moral, diplomatic, and economic means. The governments of the Free World, the press, and the religious leaders must realize the following and act accordingly:

First, The Soviet Russian empire is not a force for law and order in Europe and Asia but a totalitarian tyranny within and an agent of subversion and aggression without.

Second, It is the most ruthless in history, the only one that ever needed an Iron Curtain and a wall around it, and the most godless, the only one confessedly atheistic, dedicated to the systematic eradication of religion and God.

Thirdly, Its puppet regimes do not represent the people of the captive nations who pine for liberation and with the right encouragement would heroically fight for their independence.

Fourthly, America has a responsibility to them—one in justice to all those who were betrayed into Soviet colonialism at Yalta, and in charity and humanity to all the others for whom America failed to secure the rights pledged in the Atlantic Charter.

Fifthly, The first thing America—the President, the Congress, the press—must do is to say and keep repeating clearly that Soviet Russian colonialism is an anachronism and a barbarism, that it must be dissolved, that the captive peoples have every right to expect their complete liberation and independence.

Finally, America and the Free World must repeatedly assure the captive peoples that they are encouraged themselves to display ingenuity and heroism for achieving their independence, and that in the future any uprising such as those of East Berlin and Hungary will be given all the material, moral, and diplomatic support possible under international law.

And let us stop saying and thinking that the only way the captive nations can be liberated is through a world war. The Roman, the British, the French empires were all dissolved without world wars. Let us not think or say the Soviet Russian empire cannot in the same manner be destroyed—until we have courageously told it to dissolve and thrown the full spotlight of publicity on its brutality and all the moral conscience of mankind on its inhumanity. Thank you.

WASHINGTON, D.C.,
July 14, 1966.

Regret that my participation in Captive Nations Week observances in Delaware and New Jersey prevent me from joining you this afternoon. The restoration of freedom to all the captive peoples is a prerequisite to true world peace. My best wishes to Dr. Lev E. Dobriansky, chairman of our nationwide observances.

EDWARD J. DERWINSKI,
Member of Congress.

STATEMENT BY HON. HUBERT H. HUMPHREY, VICE PRESIDENT OF THE UNITED STATES, FOR 1966 CAPTIVE NATIONS WEEK

The American people reaffirm their deep interest in all peoples' right to freedom.

By Joint Resolution of the Congress, approved July 17, 1959, the President is authorized to issue a Proclamation each year designating the third week in July as "Captive Nations Week."

President Johnson has asked all of us "to give renewed devotion to the just aspirations of all people for national independence and human liberty."

Our President has thus reminded us that our heritage is part of a universal ideal.

On July 4, 1966, we celebrated the 190th Anniversary of our independence. Throughout these almost 2 centuries, the concept of life, liberty and the pursuit of happiness has been central to our form of government.

Regrettably, these precious values are still not enjoyed by many peoples throughout the globe.

Our hearts go out to these peoples. We are mindful of their plight. We know how they yearn to be free. Each people's right to work out its own destiny—in liberty—is as deeply meaningful to us—as it was to our Founding Fathers.

May God grant that the prayers of mankind for a world of freedom and peace shall be fulfilled.

To these goals, we repledge ourselves. We express anew our faith in the triumph of these principles. We shall work—we shall strive—we shall persist—for these great international values.

[From the Pittsburgh Press, July 19, 1966]

CAPTIVE NATIONS WEEK: A TIME OF SORROW

TO THE EDITOR OF THE PITTSBURGH PRESS:

Captive Nations Week this year is July 17-23. Let's make it the beginning of the end of Communist captivity for all nations.

The Captive Nations are the national group that (against their will) are now existing under Communist domination.

They include (1) those incorporated within the boundaries of the Soviet Union and Red China; (2) the "satellites," the supposedly independent countries that have their own Communist governments.

The Captive Nations, together with the dates of the Communist takeovers, are (among others):

1920—Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Iedl-Ural, North Caucasia, Democratic Republic of the Far East (Siberyaks), Ukraine.

1922—Turkistan.

1940—Estonia, Latvia, Lithuania.

1946—Albania, Bulgaria, Outer Mongolia, Serbia, Croatia, Slovenia, etc., in Yugoslavia.

1947—Poland, Romania.

1948—Czechoslovakia, North Korea.

1949—Hungary, East Germany, China (Mainland).

1951—Tibet.

1954—North Vietnam.

1960—Cuba.

1964—Zanzibar (Tanzania).

The people of the Captive Nations can offer no opposition to the Communist rule. Any attempt to protest or insurrection is ruthlessly suppressed by the Communist police and the Red Army.

Examples: revolts in various Russian slave camps, the rising in East Germany and the Hungarian revolt of 1956.

ANNE BURDICK.

SQUIRREL HILL.

NATIONAL CAPTIVE NATIONS COMMITTEE,
Washington, D.C.

CAPTIVE NATIONS: A FORCE FOR PEACE

The chairman of the National Captive Nations Committee stated today that, "if we fail to revise our foreign policy of patched-up containment, we can look forward to innumerable years of guerrilla warfare and more Vietnams, with the possibility of maintaining global peace becoming progressively slimmer." Addressing a luncheon meeting of the Lions Club of Washington at the Mayflower Hotel, Dr. Lev E. Dobriansky, who is also professor of economics at Georgetown University, held that "only by concentrating on the captive nations in the Red Empire and prudently helping them in their cold war against the Red totalitarian regimes can we successfully curb Red cold and hot war aggressions in the Free World."

Captive Nations Week is being observed now in all sections of the country. The President issued his proclamation of the Week on July 8. Over half of the governors and mayors of every major city have similarly proclaimed the Week. Congress also is observing the Week.

The professor also pointed to "the nonsensical inconsistencies" of our present policy toward the Red Empire. "While the USSR, Romania, Poland and other totalitarian Red states are heavily supplying Hanoi to continue its aggression in South Vietnam," he said, "pressures have been building up in this country to supply the Red regimes of Eastern Europe with capital and technology to strengthen our indirect enemies in Vietnam." He added, "Beefing up the cold war economies of Eastern Europe helps not the captive nations but the totalitarian Red Syndicate of Communist Parties in control of the various captive nations' states." "The Great Illusion of our day, for which we'll pay dearly later," he said, "is the naive notion that the Communist-dominated states of Central Europe can or want to be divorced from Moscow."

Vehement Communist opposition to Captive Nations Week was cited in detail by Dobriansky. "The Week," he said, "is a major obstacle to Moscow's calculated strategy of peaceful coexistence." The chairman of the committee, which conducts the annual national observance, stressed "The present world-wide struggle can be won by us if and when we strike by all paramilitary means at the basic source of Soviet Russian imperiocolonialism within the USSR itself." He called for a special Congressional committee on the captive nations to explore this area.

MR. DONALD L. MILLER,
Executive Director.

COMMITTEE INVITATION

The National Captive Nations Committee requests the honor of your presence at a reception in honor of National Captive Nations Week, Tuesday, July 19, 1966, 5:30–7:30 p.m., at the residence of Elizabeth Wyatt Bell, 2509 Foxhall Road, N.W., Washington, D.C.

[From the New York Daily News, July 8, 1966]

Captive Nations Week will be with us July 17 through 23. Chief credit for keeping the plight of Soviet-enslaved East-Central Europe in the world spotlight goes to the New York-based Assembly of Captive European Nations, which the then-campaigning Lyndon Johnson hailed two years ago for reminding "the world that freedom is not only an issue in Asia and Africa but in many countries of Europe as well."

We hope that he will now vigorously underline that statement in his expected proclamation and during the week's observance.

LETTERS TO THE EDITOR

NEW YORK DAILY NEWS,
New York, N.Y.

GENTLEMEN: Your editorial of July 8, "Captive Nations Week," was gravely inaccurate and misleading. The conduct of the annual Captive Nations Week observances has been almost entirely undertaken by the National Captive Nations Committee, headquartered in Washington, D.C. If you would but consult the CONGRESSIONAL RECORD in July and August of every year, you would find all the necessary data substantiating this fact. As for the Assembly of Captive European Nations demonstrating any real sympathy for the numerous captive non-Rusisan nations in the USSR, this is virtually nil. The few captive nations in Central Europe for which ACEN exclusively speaks, and this in an emigré rather than an American voice, constitutes just a small segment of the entire family of captive nations. Those in the Soviet Union, in Asia and in Cuba, far exceed the few in Central Europe.

Sincerely,

VERA A. DOWHAN.

WASHINGTON, D.C.

MANIFESTO FOR CAPTIVE NATIONS WEEK, 1966

The Conference of Americans of Central and Eastern European Descent (CACEED) is an organization of American citizens of Central and Eastern European descent. The countries of their origin, Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Ukraine are presently under Communist domination.

CACEED fully supports Public Law 86–90, unanimously adopted in July, 1959, by the Congress of the United States, whereby the third week of July of each year was designated Captive Nations Week as a public demonstration of American support for the aspirations of the captive nations everywhere to restore their freedom and national independence.

Public Law 86–90 refers to the captive nations as follows:

". . . The imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Romania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others . . ."

In July 1966 Americans will mark the 8th annual observance of Captive Nations Week in nation-wide ceremonies, manifestations and public gatherings.

Captive Nations Week will provide an occasion for reflections on the present state of world affairs. We recall that President Johnson, in his State of the Union Message to Congress on January 12, 1966 declared the most important principle of U.S. foreign policy was ". . . *support of national independence, the right of each people to govern themselves—and shape their own institutions,*" because ". . . *the insistent urge toward national independence is the strongest force of today's world.*"

Despite this official statement and annual Captive Nations Week observances, we regret to note an increasing trend towards political accommodation of the Communist regimes in Central and Eastern Europe.

U.S. foreign policy in that part of Europe has been predicated on the assumption that the satellite regimes are well on the road to independence from Russian Communist control. In this respect CACEED believes that the concept of "building bridges of understanding" to Central and Eastern Europe, as expressed by President Johnson, is largely being misunderstood by some policy-makers who believe that by unilaterally increasing trade and cultural exchanges with Communist governments of Central and Eastern Europe we would be helping the captive nations to achieve gradual independence from Moscow.

CACEED fully supports U.S. policy in Vietnam and elsewhere in resisting Communist aggression and Communist attempts of world domination. We believe that a similarly firm policy towards Communism in Central and Eastern Europe is in the best interest of the United States.

In commemorating Captive Nations Week, 1966:

We accuse the Soviet Government of violating its solemn promises of freedom and independence to the nations made captive during and after World War II—Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania;

We further accuse the Soviet Government of forcibly depriving the nations within its own borders of the promised right of self-determination, and of destroying the formerly free and independent states of Ukraine and of the other non-Russian nations inside the Soviet Union;

We condemn the Communist enslavement of mainland China, North Korea, North Vietnam, Tibet and Cuba.

In accordance with the Atlantic Charter, the Universal Declaration on Human Rights and the Declaration on the Granting of Independence to Colonial Countries, adopted by the United Nations on October 14, 1960:

We urge the United States to declare its support of the right of self-determination of all peoples held in captivity by the Communist regimes and, consequently, to make this issue the permanent concern of the United Nations;

And to recognize the fact that Soviet Russian imperialism is a threat to the peace and security of the world, which threat would be greatly diminished by the liberation of the captive nations.

We appeal to the people of the United States of America, during Captive Nations Week, July 17–23, 1966, to manifest their awareness of the importance of their silent allies in the Soviet-subjugated lands of Central and Eastern Europe and Asia in the world-wide conflict betwen the forces of freedom and Communist tyranny, and to pledge

themselves to help these allies in their struggle for freedom and national independence.

CONFERENCE OF AMERICANS OF CENTRAL AND EASTERN EUROPEAN DESCENT (CACEED).

JULY 1, 1966.

[From the Hartford Courant]

TOWARD FREEDOM OF THE CAPTIVE NATIONS

TO THE EDITOR OF THE COURANT:

In 1959, the Congress of the United States adopted unanimously what has become known as the Captive Nations Resolution, in the form of Public Law 86-90, providing for the designation of a week in July as Captive Nations Week. In addition, the law authorizes the President of the United States to issue a proclamation on the week "each year until such time as freedom and independence shall have been achieved for all the captive nations of the world."

In keeping with the spirit of the law, the National Captive Nations Committee, headed by Dr. Lev E. Dobriansky, has worked out a program for this year's nationwide observance, urging the widest possible support for President Johnson's policy in Vietnam and other areas of the globe threatened by Communist aggression.

These observances are also designed to demonstrate public support for the aspirations of captive peoples, to restore their freedom and national independence, and to spotlight the plight of captives who are prevented from voicing their true desires by regimes not of their choice.

What is happening today in Vietnam is but a repetition of what once took place in the Ukraine, Latvia, Lithuania, Estonia, Poland, Hungary, and other countries now confined to the Russian-Communist prison of nations.

Our primary appeal, our foremost efforts should be directed toward the freedom of the captive nations, and not the freedom of action of their unrepresentative Red regimes which will always confront us with syndicated action aimed at the expansion of the Red Empire.

Despite the official pronouncements in support of national independence as the "strongest force of today's world," our Government's hands somehow seem to be tied when it comes to direct action in response to frequent pleas by the captive voices at the risk of persecution and arrest.

While this voice grows louder behind the Iron Curtain, it should reverberate even stronger here, until such a time when they are allowed to have their way, to shape their institutions, and to chart their own course—free of external pressure and control.

ALEXANDER PRYSHLAK,
President, Connecticut Captive Nations Committee.

HARTFORD.

FREE FRIENDS OF THE CAPTIVE NATIONS,
St. Louis, Mo.

DEAR CITIZEN: "Captive Nations Week"—by law of U.S. Congress, proclaimed by each President since 1959 and by Governor Hearnes of Missouri and Mayor Cervantes of St. Louis—to remember the nations taken over by Communism.

As citizens of this wonderful United States—grateful for the privileges and mindful of our responsibilities—we feel deeply for our relatives and friends living in Communist-controlled countries. We parade today to remind you that one-third of the world's population is under Communist control.

Do you ask, "Why don't the captive nations rise up and fight?"

(1) All weapons have been confiscated.

(2) The people have been infiltrated with spies, making it impossible to organize for fear of detection.

(3) Most important—their will to resist has been discouraged because they cannot depend on the Free World to stand by or assist them. Only a token protest of Soviet action from the Free World followed the brave attempt of the Hungarians to free themselves—resorting to rocks against tanks! The Free World leaders shake hands and enter negotiations with those who have enslaved these people. How disheartening.

One of the best weapons the U.S. has against Communist conquest is the hatred of these Captive Nations people for their slavemasters. YET the U.S. has failed to take advantage of their burning desire to be free from Communist tyranny.

Lenin taught: *First* we will take Eastern Europe, *then* the masses of Asia. We will isolate the United States, the last bastion of Capitalism. We will not have to attack; it will fall like an overripe fruit into our hands. (By encirclement, plus fear of nuclear attack, they plan to force our progressive surrender.)

Communism depends on public apathy and ignorance concerning their goals and strategy.

Communists believe (1) There is no God. Man has no soul. A conscience does not exist. (2) Man's sins are explained by his profit-making way of life. (3) Government controlled economy minus individual freedom equals a better man. (4) Murder, lying, etc. are righteous acts if they further Communism.

Communist tactics (1) Work into influential jobs in government and communications—TV, press, books, magazines—to focus on everything BUT the tyranny of Communism. (2) Condition American minds to Communism through Socialism. Increase government control. (3) Discredit the anti-Communists. Associate Patriotism with extremism. (4) Dedicated, disciplined few to control the masses. (Only 6 percent of the Russians are Communists—a handful of Communists took over Cuba.)

Strategy: Peaceful co-existence to *us* means willingness to cooperate. Peaceful co-existence to them means world conquest without war.

Please write us for speakers, films, literature.

PARADE FORMATION

1. Police Escort.
2. American Flag.
3. Drummers.
4. Hearse and Casket ("Victims of Communism" on casket; "Freedom of the Captive Nations on both sides of the hearse.)
5. Skeletal Arm Banner.
6. "We Are the Free Friends" . . banner.
7. Individual C.N. Flag, groups in alphabetical order Interspersed with other banners.
8. American groups with identifying signs.
9. End of C.N. procession sign.

COMMEMORATIVE WORSHIP SERVICE, SOLDIERS' MEMORIAL, JULY 16, 1966, AT 2:45 P.M.

Prelude: Organ: Mrs. Harriet Howard Lee, Director—Organist, Cote Brilliante, United Presbyterian Church.

Invocation: The Rev. Alphonse Skerl, St. Mary's of Victories Church, Representing The Archdiocese of St. Louis.

Message: The Rev. Dr. Wesley H. Hager, Grace Methodist Church Representing The Metropolitan Church Federation.

Prayer: The Very Rev. John Lazar, Dean, Southwest Deanery, St. Nicholas Diocese.

Message: The Rev. Rabbi Benson Skoff, Brith Sholom Kneseth Israel Congregation, President, St. Louis Rabbinical Association.

Captive Nations Hymn by Frederick Nagy, Quartet: The Rev. Arpad de Kallos, Hungarian American; Anton Beler, Croatian American; Carl Landis, American; Mike Stefanyszyn, Ukrainian American.

Message: The Rev. Alphonse Skerl.

Interlude, Organ: Mrs. Harriet Howard Lee.

Message: The Very Rev. John Lazar.

Benediction: The Rev. Dr. Wesley H. Hager.

Laying of Wreath.

Taps: Andred Sgroy, National Bugler for AMVETS, State Bugler for American Legion.

(Sponsored by the Free Friends of Captive Nations.)

CAPTIVE NATIONS HYMN

(Words: The Reverend Norbert J. Trepsa; music and arrangements: Frederick Nagy.)

Almighty God, Creator of all nations,
Thou givest law to all of thy creations,
It is thy will, as we thy faithful see,
That every man and every land be free.

It is godless might, against thy will it raves,
Holds captive lands and man it chains as slaves;
With lies, deceit, with pain and godless word;
It threatens us—the free—with deadly sword.
Almighty God, Creator of all nations,
Give us the strength and charity and patience;
See that our freedom undisturbed remains:
Free captive brethren from their heavy chains!
Amen.

APPEAL BY THE LEAGUE OF PRAYER FOR THE CAPTIVE PEOPLES

THE NEED

Behind the Iron Curtain there are 65,000,000—or Saints. It depends on the point of view.

From the Communist point of view, the 65,000,000 are figures, numbers—without individuality, *without identity.*

But Christ was not crucified by Statistics—He endured crucifixion for Souls, individual Souls.

From God's point of view, the sixty-five million Catholics suffering under Atheistic Tyranny, denied the Mass and Sacraments, are Souls, Martyrs, Saints.

Is your point of view Communist? or Christian?

If Christian, can you comprehend suffering on so vast a scale? Sixty-five million Catholics suffering? There are only forty-five million in the United States!

THE PLAN

For parishes and organizations

The League of Prayer for the Captive Peoples has a plan: a Free Parish adopts *spiritually* a Captive Parish and prays for it by *name,* restoring its identity and the identity of its people. No longer are they statistics: they are people, living in a certain town, belonging to a certain Church, devoted to a certain patron. We restore their name, their identity, *in our prayers,* asking God's Grace for them . . .

To adopt a parish? All that is necessary is for one dedicated person in a free parish to become a league representative. The league representative will work with groups of fellow parishioners who, in spiritual communion with the Captive peoples, will attend Mass and receive Holy Communion once a month, preferably a definite day and hour. The enrollment fee is $5 per parish.

For individuals

Individuals may also become members of the League. The requirements are to attend one extra Mass per month and to receive Holy Communion for the captives. The enrollment fee for individual membership is one dollar.

THE PATRONESS

Our Lady of Guadalupe: Empress of the Americas, who appeared as the Immaculate Conception, the Enemy of Evil—the Woman clothed with the Sun, the Moon at her feet, "terrible as an army in battle array"—who appeared to an oppressed and helpless people as the "Mother of All" and gave them hope.

O Lady of Guadalupe, patroness and advocate of the humble and oppressed, we commend to thee today the people of the captive nations, suffering under the heel of Godless communism. Be with them and comfort

them in their hour of desolation. Grant them courage to remain faithful to thy Divine Son and His Church in the face of persecution, threats, and even death. We pray particularly for the priests and people of our adopted captive parish (name of parish) in (City and Country). Immaculate Heart of Mary, be the refuge, hope, and victory for these and all our persecuted brothers in Christ behind the iron curtain. Holy army of God, saints, martyrs, angels and archangels, hasten to their assistance and bring them safely through the dark night of persecution. Amen.

YOUTH, AMERICA, AND THE FUTURE

(Commencement Address by Dr. Lev E. Dobriansky, professor of economics, Georgetown University, at St. Basil Academy, Philadelphia, Pa., June 9, 1966)

Reverend Mother Daria, Distinguished Faculty, Honored Guests and Parents, and Members of the 1966 Graduating Class, I am deeply honored to participate in this glorious Commencement of St. Basil Academy. It is a treasured privilege to pay tribute to the high and excellent standards of your institution and to you graduates who have admirably upheld its ideals and purpose. In these times all of us are indeed fortunate to be the benefactors of the illustrious care, spiritual guidance, and wise leadership of His Excellency, the Most Reverend Ambrose Senyshyn.

In the usual Commencement address graduates are bombarded with the proverbial utterances about the stern realities of life, the challenges of the future, the opportunities of chosen fields of endeavor, and the prospects of success and sometimes failure. The captive audience in the meantime cannot wait for the address to come to a quick and resounding end. Many have endured this final travail before you, and I can assure you that many will have to persevere after you, but I shall endeavor to bring as much relief to you now as is possible.

My message concerning youth, America, and the future is simple and succinct. It is designed for you as youth, living in this country of ours, the United States of America, and facing your inevitable future with high hopes, aspiration, and perhaps some apprehension. The message is made easy because of the content of your instruction, the background of your heritage, and the imposing fact that as youth you are, for better or for worse, the present foundation of both your future and that of America and the world at large.

LOVE GOD AND DO WHAT YOU WILL

A generation ago, when I had the inestimable, intellectual pleasure of studying formal philosophy at both Fordham and New York University, deep and indelible impressions were made, but to this day I have never forgotten the words of St. Augustine, "Love God and do what you will." It is this insight into human existence that I wish to convey to you as you depart from these halls into whatever sphere of your future endeavor.

"Love God and do what you will" is not a message of license to indulge in whatever you please or desire, regardless of consequences both to yourself and those about you. Positively, it is a message of personal, moral freedom and liberty, aimed toward a rational and volitional order within yourself and thus, by automatic contribution, to the society in which you live. To love God means to love His creation and daily to do all that is necessary for the wholesome and ordered fulfillment of both His creatures and works. It is a rule, born not of arbitrary dictation but of pragmatic experiences upon experiences over centuries, for your self-improvement, the actualization of your potentialities, and the full development of your talents.

Today, we are told, there is a new ferment and restiveness among youth, not only here but throughout the world, that change has engulfed mankind, and that we are confronted by uncertainties and challenges of unprecedented proportions. Youth, as the present foundation of the future, needs a firmer perspective than this. Essentially, youth today is no different from that of 30 years ago, or 50 or a 100 years ago. Indeed students are more civilized today than they were in medieval times when many a professor was catapulted through a window. Those of the past also had their problems, their pressures, anxieties, and frustrations, and their periods of restiveness and rebellion. The historical setting was of course different, but the condition of problem-solving and emotional stress were the same.

Also, the way some talk about change in the present, you would think the world stood changeless and static in preceding generations. Technologic, social, cultural, economic, religious and other changes were as real then as now. The quantities and masses involved, the pace and rapidity are, of course, different now, but real change by way of transformation and becoming was present in yesteryear, too. True, there were no TV transmitters, space shots, automotive miracles, horrendous missiles, LSD drugs and so forth, but these are only the accidents of change, not its essence. For the comforts they provide, the labor costs they reduce, the pain they relieve, and the new horizons they open, the means of change are important and determinative. But in the years to come, what we consider stupendous today will be viewed with the same attitude as we do the innovations of the past.

The 20th Century, a period of massive change, is in fundamental respects strikingly similar to the 14th Century, a turbulent period of transition from the medieval world to the modern. Institutions were subjected to critical change and revision then, as the minds and souls of men, formed by the rational and spiritual disciplines of the Church, charted new avenues of existence in the dominant spirit of "Love God and do what you will."

Today, even some theologians teach "God is dead," but this thesis, philosophically repugnant on the surface, is both indicative of our period and, in my judgment, explosive for the long-run good. It indicates not that God is dead, for this is philosophically self-contradictory, but that God as a self-subsisting Reality is dead in the minds and souls of modern men who have lost their love of God and seek to do what they will, often without moral principle, charity, and justice. Is it any wonder that amidst the marvelous changes of this century, our history is tragically marred by bigger and fiercer wars, by Nazi and Russian genocide condemning millions to gas chambers and slave labor camps, and by the growth of a totalitarian Soviet Russian Empire which, behind the facade of Communism, is unprecedented in the annals of history.

YOUR UNIQUE AMERICA

Merely to provide economically better plumbing systems, more jobs, and even more education of certain types does not insure moral rectitude and purpose, the development of a rich and balanced personality, and a happy and engaging life. Nazi Germany was not inadept in such provision, and yet the soul and mind of a nation were twisted and distorted. The Russian imperio-colonialists are trying to become equally adept, but at the frightful costs in life and treasure to the millions who make up the captive nations in the Soviet Union and beyond.

With the sterling advantages of your moral training here, you will embark upon your respective careers and courses of life, seeking maximum opportunity for the fulfilment of your hopes and dreams in the unique environment of your America. Relatively too few of our people grasp with total perception and value the uniqueness of this nation that affords the broadest scope and opportunity for personal freedom, individual choice, and the perennial correction of injustices and maladjustments.

Without appearing to be super-patriotic and self-inflating, it is important today to recognize the invaluable uniqueness of our nation. This precious quality is not derived from the fact that we are the materially richest nation in the world or that we are the most powerful militarily. On the contrary, these and other dominant facts are themselves derived from the basic physical and moral nature of our nation. We are unique in that our people are ancestrally related to almost every nation and people in the world. We are also unique in our democratic institutions and our fundamental idealism, based upon the Declaration of Independence, the Constitution, and the Bill of Rights, which in turn are founded on religious principles of the Judeo-Christian tradition.

Today, more than ever, these truths must be taught and re-taught as many in our society have lost their sense of heritage and are easy pawns for enemy manipulators. Plans are being made for a bicentennial celebration of the American Revolution in 1976. You will be astounded to know that in almost all the resolutions submitted in Congress for the preparation of this glorious event, hardly any emphasis is placed on the Declaration of Independence. And yet it is this event which conspicuously differentiates the American Revolution from the French, English, or Russian. When next year the Russian imperio-colonialists will be celebrating the 50th anniversary of their morally fraudulent Bolshevik Revolution, you can rest assured that there will be some fools among us paralleling our revolution and the totalitarian Russian one.

By virtue of your heritage and your training here, you are remarkably equipped to understand and to convey to others the unique significance of the American Revolution and its enduring impact upon all colonial nations in the world, particularly those in Eastern Europe and the Soviet Union. The American Revolution was a revolution for national independence and freedom to insure the opportunities for personal freedom. It is this kind of revolution that every captive non-Russian nation in the Red Empire thirsts for and strives to achieve.

The world is beset by many problems—problems of hunger, disease, economic underdevelopment, regional differences and conflicts. These are not new problems; they have always been and will continue to be for sometime. To mix these problems with the predominant problem of our time, that of Soviet Russian imperio-colonialism, is to display a mixed-up mind, and we have many such minds expressing themselves today. You wouldn't know from this why we are spending over $50 billion annually for military hardware and our men and women are dying in Viet Nam.

Clearly, the chief source of this problem of problems is imperio-colonialist Moscow. The USSR is the power center of so-called world communism. As you well know, it has become so because of early Soviet Russian conquests of Ukraine, Byelorussia, Georgia, Armenia and other formerly independent states. On the scale of power politics, no part of the present Red Empire—whether Red China, Poland, Yugoslavia, or Cuba—would long survive if, for one reason or another, the USSR were to collapse. As an empire within an empire, the USSR is greatly vulnerable because of the rampant Russian imperio-colonialism among the captive non-Russian nations in that empire-state. The nature of the conflict today is not between socialism or communism and capitalism, nor between peoples in one sector of the world and another, but between democratic freedom and totalitarian Sino-Soviet Russian imperio-colonialism.

As graduates of this Academy, and whether you now realize it fully or not, you bear a

moral responsibility both to yourself and your America to share your growing knowledge about Eastern Europe, about Ukraine, with your fellow citizens. You might not believe it but people like Senator FULBRIGHT still think that the population of the USSR consists of "over 200 million Russians." One of the most powerful weapons Moscow possesses is the gratuitous protracted ignorance of many of our fellow citizens regarding the basic, multi-national weakness of the USSR. Love God and do what you will means broadening your knowledge in this all-crucial area and constantly applying it to inform our fellow citizens as to the nature and tactics of the enemy.

A FUTURE WITH PURPOSE AND FREEDOM

It should now be obvious that the freedom you cherish in your hearts and minds to pursue your personally chosen goals and vocation, to develop your talents and to enrich your personality, is inextricably tied up with your moral dedication to preserve this personal freedom by contributing to the freedom of your country and thus to the eventual freedom of the now captive nations. It is a politico-moral tragedy when many an American whose career has been interrupted by the conflict of the world, admits he does not know what he is fighting for or against. What you give of yourself to the higher ideals and to others less privileged, you will reap in the consciousness of your own fruitful development.

Life, whether in the past, present or future, is always challenging. It becomes more so when it is wholesomely oriented to a future with moral purpose and freedom. That is the future I hope and pray for you. Even at this stage you possess assets of moral and intellectual training that pricelessly equip you to cultivate and enjoy a bountiful future. To know right from wrong, to attest with firm conviction to truth as against falsehood, to become self-reliant rather than reliant, to work for moral and civil order, to advance freedom for the billion of unfree, and to further the goal of peace with freedom and justice—all this and more will be richly realized when you "Love God and do what you will."

[From the Catholic News, July 28, 1966]

FORMULA FOR FREEDOM

(NOTE.—*The Rev. Morton A. Hill, S.J., recently delivered the sermon at the Mass for Captive Nations at St. Patrick's Cathedral. Father Hill, a staff member of the Church of St. Ignatius Loyola, is executive secretary of "Operation Yorkville," an interfaith organization working to help protect children from the dangerous effects of the widespread dissemination of obscene materials. The full text of Father Hill's sermon is as follows:*)

A captive nation is a nation that is not free. A captive nation is not free to choose its rulers and its form of government. A captive nation is not characterized by freedom of thought and action. A captive nation has no freedom of worship. In none of these nations could there be a public Mass in a church with the people of God gathered together in prayer to ask for freedom. For each of these 32 nations is under the strict control of a Communist leader, who in turn is under strict orders from Moscow.

Yet our Blessed Lord spoke of His mission to captives. At the beginning of His public life, He came to Nazareth where He had been brought up. According to His custom He entered the Synagogue on the Sabbath day and rose to read. The volume of the Prophet Isaiah was handed to Him. He opened it and found the place where it was written, "The Spirit of The Lord is upon me. He has sent me to proclaim release to the captives."

As He rolled up the volume and returned it to the attendant He sat down. The eyes of all in the Synagogue were upon Him. At that moment He said to them, "This day is fulfilled the scripture in your ears."

In this incident, Christ applied the words of Isaiah's prophecy to Himself. He made it plain that His own personal mission was to proclaim release to captives. It is good for you to hear these words from His lips this morning, for Christ and Christ alone can release the nations from captivity.

It is important for you on this day, the first day of Captive Nations Week, to hear these words of Christ. "The Father has sent me to proclaim release to the captives." It is important for you to understand them. It is most important however, that you listen to them and follow the directives of our Blessed Lord. Only if you hear, understand and obey can you be completely convinced that Christ and Christ alone can lead the captive nations out of captivity. How then can you come to an understanding of His words?

Premier Kosygin and General Secretary Brezhnev are the men who rule the Soviet Union. Behind these two men of action are thinkers, Marx, Engels, Suslov. The thought of these men pervades and dominates the Soviet Union and its ruling minority. Their ideology is simple; "Spirit does not exist. There is only matter. Christ is a lie. Religion is the opiate of the people." As one stands before the globe of the earth and examines the Soviet Union and the captive nations subject to this Marx, Engels, Suslov ideology, one can see clearly that there is one word that describes the thought controlled Union and the thought controlled captive nations functioning within the outer structure of the Union. That word is "Prayerlessness." Soviet leaders do not believe in God. Soviet thinkers do not believe in prayer. As a result, "Prayerlessness" has been imprinted upon the minds and hearts of millions, especially upon youth. This atheistic concept of a nation without prayer has reached millions of Russians through Marx, Engels, Suslov and their ideology of dialectical materialism. But as Premier Kosygin stands in Red Square in Moscow with his fist clenched before a microphone, backed by the ideology of Marx, Engels, and Suslov so Paul VI kneels in Rome with his arms extended in prayer, backed by men who are also trained ideologists. Premier Kosygin looks to the earth. Paul VI looks to heaven. Kosygin thinks and speaks. Paul, too, thinks and speaks—but Paul also prays. As behind Russian thought there is hate, so behind Christian thought there is love. As behind Kosygin there is Marx, Engels, Suslov, so behind Paul VI there is Carl Rahner, the German; John Courtney Murray, the American; Hans Kung, the Swiss; Peter Howard, the Englishman, world leader of Moral Rearmament (to mention but one Protestant). And behind Paul VI there is also Pierre Teilhard de Chardin, the Frenchman. It is extremely important that every Communist master Communist thought and ideology. It is important that every member of the Assembly of the Captive Nations master the ideology of love and prayer, even though this ideology be a theology.

I emphasize today one of these great thinkers, one of the greatest of our time—the last, Pierre Teilhard de Chardin, for his thought is having a profound effect in all the nations of the world. A great scientific mind, a great heart, a great love led him to call upon all mankind to unite in building the earth—in making the world a home for all peoples. Chardin more than adequately explained the words of Christ, "The Father has anointed me to proclaim release to the captives," when he spoke to all mankind of the "totalization" of the world in Christ. "The age of nations is past," wrote Chardin, "The task before us now, if we would not perish, is to build the earth." This statement may seem alarming to you who are working for the release, the sovereignty, the identity of the Captive Nations. Yet his words should not alarm you. The age of nations may not be completely passed. It may be centuries before the age of nations is completely passed. Meantime, how can freedom, sovereignty, identity be regained, if mankind is not to work toward unification, toward "totalization"? In Chardin's view, the constant goal of the individual and national development should be the unity of mankind. Individuals and nations must achieve this unity, he wrote, if we are ever to have any fullness of life on the earth.

And how are we to work for this unity? It is for each of us to do it, we of the free nations of the world, together with those in the Captive Nations who will not have the Spirit of Christ driven out of them. For as Chardin said, "In our hands, the hands of all of us, our world, our life, are placed like a Host, ready to be charged with the divine influence, the real Presence of the Incarnate World." A man of great vision, Chardin believed that despite the crushing burdens which revolutions have placed on mankind, the substance of a new world is being born in the very flesh of peoples all over the earth. It is up to us, in every country to help prepare men who, at first in themselves, then in the circle around them and then at the head of nations, will preside over the true destiny of mankind. So thought Teilhard de Chardin.

We must listen to this man. We must take the entire developing world into our gaze. We must see, with Chardin, how it is that Christ and Christ alone can bring release to the Captive Nations, how Christ and Christ alone can unify all nations in love.

It is good that you are here today to hear of this intense all embracing love of Christ with its unifying effect on all mankind. It is good to hear words of love at a time when hearts are bleeding, are tempted to hate, when we are tempted to see hate as the answer to hate. But we must see love as the answer to hate. We must see Christ as the great unifying force of tomorrow's world. We must have our "hands ready to be charged with the divine influence."

If we are to master this vision, we must master the thought of men like Teilhard de Chardin. We must read his books, "The Divine Milieu," "The Future of Man," "The Phenomenon of Man," "The Hymn to the Universe," "Building the Earth." But most important of all, his thought must bring us to our knees before our Maker. We must pray with a passionate commitment to him: "Thy will be done on earth as it is in heaven." This is the prayer of Paul VI as he kneels in his chapel in Rome. This is not the prayer, much less the thought of Premier Kosygin whose words are, "My will be done."

THE WAR AGAINST POVERTY AND ONE NEWSPAPER COLUMNIST'S WAR AGAINST THE TRUTH

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. POWELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. POWELL. Mr. Speaker, on July 26, a nationally syndicated columnist wrote a series of unsubstantiated allegations concerning the legislative development of the antipoverty amendments of 1966 and my role as chairman of the Committee on Education and Labor in rewriting of the Economic Opportunity Act of 1964.

In an effort to refute, point by point and fact by fact, the untruthfulness of the columnist's allegations, I called a press conference and issued a statement, quoting facts, dates and statistics.

Unlike the columnist's original assertions, my rebuttal failed to receive the same coverage, exposure or amount of space.

This is an ancient problem, I recognize, and the press never accords a refutation, denial or rebuttal the same space it does to the initial charges. This is because the press hates to admit it is wrong.

Nevertheless, the Members of this House may be interested in the true facts and I am doing what the newspapers which carried this columnist's column on the antipoverty bill refuse to do—I am placing in the RECORD not only my refutations, but the columnist's original charges. Even though certain newspapers rarely—and this columnist never—accede to the spirit of fair play, I am happy to do so.

STATEMENT BY REPRESENTATIVE ADAM C. POWELL ON A COLUMNIST'S CHARGES THAT HE "DELAYED" THE ANTIPOVERTY BILL

A columnist whose daily column is the only one in America to appear on the comic strip pages recently made several charges about the anti-poverty bill and my alleged role in delaying this important legislation.

Let me discuss each allegation—not for the columnist's hopeless enlightenment because he is beyond redemption—but to set the record straight for millions of people.

1. "Southern Congressmen cannot enthuse publicly over the anti-poverty bill aimed chiefly at helping Negroes. . . ."

Of the 9.7 million families below the poverty line ($3,000) in America, 7.6 million or 79% are white. White people need this anti-poverty bill more than Negroes.

2. "It had been agreed between Northern big-city Democrats and Southern Democrats that the anti-poverty bill should be voted ahead of the Civil Rights bill."

What "big-city Democrats" made such a deal? Who authorized them to enter into such an unconscionable deal—the House leadership? The Administration? I'm the Committee Chairman and I knew nothing about any such private "deal".

3. "During this time (my trip to Geneva to attend the International Labor *Organization* Conference), POWELL'S Committee Colleagues were working feverishly to draft and report out the bill."

An elegantly fashioned falsehood symbolic of the first-class inaccuracy and second-class reporting that characterizes Drew Pearson's daily forays into journalism by innuendo.

The indisputable facts are—and facts are something this muckraking columnist rarely has—*the bill was drafted, completely finished and reported out of the full Committee on May 18th. I did not leave for Geneva until June 2nd.*

My Colleagues indeed had worked "feverishly". A Democratic caucus within my Ad Hoc Subcommittee had reported out a total of only $217 million in unrestricted Community Action funds. But I personally offered an amendment for an additional $150 million and it was accepted by the full Committee.

4. "And when he came back to find that other Members of his Committee had done his work for him and whipped the anti-poverty bill in final shape."

As I stated before, I not only participated in the shaping of this bill, but of 43 amendments to this year's bill, I offered *11* and *all* of them were adopted. That's 25% of all 1966 amendments from the full Committee.

5. "POWELL claimed privately that these probes were too ineffectual and incompetent to merit Committee attention."

I have never made any such claim—privately or publicly. The probes were highly successful and the reports proved it. The referred-to "conscientious Representative SAM GIBBONS" saw all of these reports. He never made any complaints to me about their inadequacy.

6. POWELL pleaded "that he had to be in New York at a board meeting for his Church on Wednesday, the day the $1.7 billion measure was to be brought up for action."

Even though the Speaker never informed me as a mere gesture of courtesy that he intended to schedule the bill the week of July 18th, I nonetheless informed him personally of the important annual corporate meeting of my Church that Wednesday evening. I have been associated with my Church for 36 years. We Baptists just can't seem to get the same recognition other religious groups do. And it's even worse when we're black.

7. "POWELL also demanded that civil rights be voted on first. . . ."

I will pay $1,000 to any person who produces one scintilla of evidence that I personally spoke to or met with any person to demand, urge, suggest or even hint that the civil rights bill be voted on first. Will this irresponsible columnist match my confidence by resigning if he can find no such evidence?

8. "Finally he tried to pressure Sargent Shriver. . . . into giving him more funds for specialized relief projects in his home area, Harlem."

What so-called "relief projects"? We have no "relief projects" in Harlem. I have pressured Sargent Shriver for my Congressional district no more than any other Congressman. But Harlem needs anti-poverty more than most Congressional districts because the median family income of my district is the 370th lowest of all 435 Congressional districts.

9. "With Cleveland torn by race riots and Chicago, New York and Washington sitting on powder kegs . . . the anti-poverty program (is) aimed at alleviating Negro slum areas, the chief cause of race riots."

What ridiculous nonsense! Riots are caused because the black people are hungry—hungry for jobs, fair treatment by the police, adequate recreational facilities, decent housing and good schools. The anti-poverty bill alone cannot "alleviate" these conditions. Two years of existence of the anti-poverty bill did not prevent Chicago, Cleveland and Omaha from exploding into violence this year.

Black people have been reduced to violence as a last resort because they are not eating. While unemployment for whites has declined from 4.1% in June of 1965 to 3.5% in June of 1966, unemployment for black people has escalated from 8.3% in June of 1965 to 9.0% in June of 1966. The employment situation for black people in the ghettoes is getting worse instead of better.

Nevertheless, the anti-poverty bill is not a "Negro bill" and to treat it as such is indicative of the most vicious racism imaginable.

What I have sought and what I shall continue to seek is at least $10 billion for the anti-poverty bill.

TAXI WALKOUT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PICKLE. Mr. Speaker, the airport drivers strike, which began today, has again focused a spotlight on the pressing need for additional and more adequate transportation to Washington area airports.

Last Monday, many of you flew in helicopters from Capitol Hill to Dulles and Friendship Airports. This demonstration pointed out the speed and ease travelers might enjoy with the establishment of regularly scheduled helicopter service.

Because of the walkout of taxicab, limousine and busdrivers, the public is faced with either a long trek in a private automobile or the inconvenience of hastily scheduled, makeshift service.

A helicopter shuttle service could have and could now guard against this kind of dilemma. It could now insure swift and convenient travel.

This "minor" strike is dwarfed by the mechanic's walkout which has grounded five major airlines and reduced Washington air travel by some 30 percent.

Many people, therefore, may pay little attention to today's strike since it is likely to appear as simply another restriction to what is already drastically cutback air service.

However, the driver walkout is nevertheless an emphatic reminder that the public deserves effective and dependable transportation to the city's airports.

I am sponsoring legislation which would direct the Civil Aeronautics Board to hold investigations and begin studies into the need for a helicopter transportation system.

I believe that the need is clear and the demand is apparent.

The Congress should direct its attention to this legislation now. We should urge the CAB to move swiftly in its studies and to submit concrete recommendations that can be translated into a course of action.

If the driver strike persists, I shall recommend that we call upon the CAB to issue a temporary certification for regularly scheduled helicopter service to fill the void created by the walkout.

Pressing needs demand clear thought and bold action. It is time for the Congress to exercise its traditional role of protecting the public and leading in the path of progress.

RULES COMMITTEE ACTION NOW ON H.R. 14026—THE "CD" BILL—IS VITAL

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on July 19 the chairman of the committee in the other body to which is referred banking legislation announced that he was introducing a bill dealing with the

current interest rate war between financial institutions. He also stated that it would nevertheless be the privilege of the House to act first on such legislation since our Banking and Currency Committee has held extensive hearings on this very serious question. As a matter of fact, Mr. Speaker, your committee held 15 sessions of open hearings extending over a period of 6 weeks. On July 25, your committee overwhelmingly voiced its approval of Chairman PATMAN's bill, H.R. 14026, ordered it reported to the House and requested the chairman to seek a rule from the Rules Committee.

Now I see where the committee of the other body has seen fit to abandon the principle of legislative courtesy by proceeding on interest rate regulation. My understanding is that after 1 day of hearings, the bill will be voted upon today in executive session. In the meantime, our own bill which contains a temporary 4½-percent rate ceiling, endorsed by the Independent Bankers Association, the thrift industry, the National Association of Home Builders, and consumer and labor groups, lies dormant in the Rules Committee.

This state of affairs is disturbing because of the likelihood of hasty approval by the other body of a bill without the vital temporary rate ceiling. This confused situation, Mr. Speaker, can only serve to delay and becloud the issues which demand an immediate and effective solution. Perhaps had the Secretary of the Treasury, Mr. Fowler, not been so vacillating on this subject, legislation would have already been enacted by now in time to save the housing industry and our housing programs from destruction. At present, the issue is in doubt at best.

I am hopeful that our Rules Committee will promptly grant a rule on H.R. 14026 so that the House can work its will and avoid getting into a legislative snarl with the other body. I believe the great majority of Members will strongly support the bill as reported by the Banking and Currency Committee. I was quite pleased to note in yesterday's CONGRESSIONAL RECORD that the distinguished majority whip, the gentleman from Louisiana, stated his unqualified support for H.R. 14026. Speedy action is necessary and any delay will be very harmful.

Tomorrow, Hon. WRIGHT PATMAN, the distinguished chairman of the House Banking and Currency Committee, celebrates his 73d birthday. One of the best gifts he can receive from his colleagues in the House is passage of H.R. 14026. I urge my colleagues to support this bill, to get it out of the Rules Committee, and to get it to the floor where we may all have an opportunity to cast our votes. Passage of H.R. 14026 would be an appropriate birthday present for that champion of reasonable interest rates, Chairman WRIGHT PATMAN.

GOOD JOB, GOOD CHOICE

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. FARNSLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FARNSLEY. Mr. Speaker, the mountain of praise grows taller for the job Edwin O. Reischauer performed as Ambassador to Japan and for President Johnson's choice of U. Alexis Johnson to succeed Ambassador Reischauer.

Numerous tributes to the outgoing and to the incoming Ambassadors already have been entered into the RECORD, but I would like to add one more. It is from the Louisville Courier-Journal of July 31, 1966. The editorial follows:

AN ENVOY CHOICE THAT'S A SOUND ONE

Few men are better suited to their jobs than Edwin O. Reischauer has been to his as U.S. Ambassador to Japan. His personal popularity in that island nation and the respect for his opinions among officials in this country made his service extremely valuable at a critical time between the two Pacific powers. But he is a scholar, and not a career diplomat. The time finally came, after five years of service, when he had to return to his faculty post at Harvard University.

If he leaves his successor some major problems—mounting demands for return of Japanese sovereignty over Okinawa, criticism of U.S. policies in Viet Nam and a reexamination of Japan's defense posture—Ambassador Reischauer also leaves a diplomatic climate in which these can be approached in the mutual interests of both nations and in the long-range interests of all Asian nations.

Since he must be replaced, U. Alexis Johnson is a sound choice to succeed him. Much of his career has been in Japan and the Far East. It was his long negotiation with the Red Chinese in the early 1950s that led to the eventual repatriation of Americans.

Mr. Johnson is respected for the important role he played in negotiating the Japanese-American peace treaty, the basis for the solid growth of mutual interests and for the outstanding economic development of Japan, now fourth among the world's industrial powers. Mr. Johnson will be charged with the responsibility of working with Japanese leaders to see how effectively this revived power can be used to work for peaceful development of Asia.

THE NEW OHIO RIVER DEVELOPMENT COMMISSION

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. FARNSLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FARNSLEY. Mr. Speaker, the six Ohio River States—Kentucky, Indiana, Illinois, Ohio, West Virginia and Pennsylvania—recently established the Ohio River Development Commission to promote recreation, tourism, and industrial growth in the Ohio Valley region.

I would like to include in the RECORD an article that appeared in the Courier-Journal of August 2 regarding this new commission:

BOATING GOVERNORS PLAN NEW ERA FOR OHIO RIVER

(By Martin K. Pedigo)

A floating log and an empty gas tank caused the governors' tour of the Ohio River to sputter occasionally yesterday but did nothing to dim the bright hopes the governors expressed for a cooperative effort at boosting the Ohio Valley region.

Indiana Governor Roger D. Branigan was named chairman of the new Ohio River Development Commission, which will promote recreation, tourism and industrial growth. He will serve with the governors of the five other Ohio River states—Kentucky, Illinois, Ohio, West Virginia and Pennsylvania and three top aides from each state in the group.

The commission came out of a conference between Branigin, Kentucky Gov. Edward T. Breathitt, Ohio Gov. James A. Rhodes, and West Virginia Gov. Hulett Smith on one of the four boats that carried about 100 officials and newsmen part of the way from Cincinnati to Louisville.

The idea was announced at a stop at Madison Ind., where Branigin also dedicated a $750,000, 39-room expansion of facilities at Clifty Falls State Park. The expansion consists of a three-room addition to the inn, two new two-story motel units, each with 18 rooms, and a central building containing two dining rooms and a lounge.

The tour went after breakfast by boat from a marina restaurant east of Cincinnati to the Cincinnati municipal wharf, then by bus to Markland Lock and Dam, where the U.S. Corps of Engineers gave the officials a brief rundown on the Engineers' plans for the Ohio's modernization.

Three private pleasure boats and an engineers' cruiser then took the party through the locks and on down river. There was a brief stop at Vevay, Ind., and then the tour stopped at Madison and Clifty Falls Park for lunch.

One of the boats limped into Madison on one propeller after the other was damaged by a floating log.

AN HOUR BEHIND SCHEDULE

After lunch the boats headed toward Louisville, leaving Madison about one hour behind schedule. Most of the time had been made up when the boat carrying the four governors and their fellow commission members ran out of gas just off Twelve Mile Island. After she took on five gallons of gas, the tour continued down river to Louisville, where the press and some officials toured the Belle of Louisville before heading for a dinner at a downtown motel.

Gov. Breathitt named Natural Resources Commissioner J. O. Matlick, Fish and Wildlife Commissioner Minor Clark and Public Information Commissioner Cattie Lou Miller, who will serve alternately with Parks Commissioner Robert Bell, to the development commission.

Branigin said the commission will attempt to encourage both recreational and industrial development of the Ohio River Valley.

He added with a smile. "This is a dream for all of us, and if it is accomplished, those responsible will be called blessed."

The Hoosier governor said the commission will start promptly to seek federal assistance and to form a master recreation and tourism plan for the river.

Branigin said Rhodes originally suggested the idea at a Midwest Governor's conference.

Gov. Otto Kerner of Illinois and Gov. William Scranton of Pennsylvania were unable to make the tour although aides represented Kerner at the Conferences.

Breathitt said that even with the cooperation of the new commission, there will be healthy and friendly competition for the tourist dollar. The Kentucky governor said, "We have not yet adequately developed . . . this greatest potential tourist attraction in the United States."

He predicted that the cooperative effort should help all six states to double their tourist income in a very few years.

"A MODEST PROPOSAL," BY JOSEPH ALSOP

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. FARNSLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FARNSLEY. Mr. Speaker, I include in the RECORD a series of three articles by Joseph Alsop, on the problem of the cities, that appeared in the Washington Post on August 1, 3, and 5, 1966:

A MODEST PROPOSAL—I

(By Joseph Alsop)

The problem of the cities, in the form that it is now assuming, is the most urgent, the most difficult and the most frightening American domestic problem that has emerged in all the years of this country's history since the Civil War.

As a sort of farewell before a month's vacation, an attempt will therefore be made to sum up the problem, as it now stands, in a series of three reports. The only way to begin is with the terrible words of the general confession:

"We have left undone those things which we ought to have done, and we have done those things which we ought not to have done."

This include, first of all, the almost complete failure to find out and to face the hard facts of the modern urban problem. The heart of the problem of the cities is the problem of the Negro ghettos, which have been flaming into riot in recent weeks.

As an illustration of the near-total lack of realism in most discussion of ghetto matters, it is only necessary to analyze the common school slogan, "End de facto segregation."

To begin with, you cannot "End de facto segregation" in an urban school system, when the entire school system is already de facto segregated. Yet some people are still mouthing this slogan here in the District of Columbia, whose public elementary schools are now 91 per cent Negro!

To go on with, short of a Constitutional Amendment, you could not even end de facto segregation by forcibly homogenizing all the schools in an urban school system that was only 30 per cent Negro. The careful research behind the Watts report shows that any school which is forced to accept as much as 25 per cent of disadvantaged children virtually ceases to be a school; and almost all the children of the ghettos are very seriously disadvantaged.

Race has nothing to do with the effect on the school. The school becomes worthless because the teachers are unable to carry the huge extra burden of helping their disadvantaged pupils—whether they are Negro, or Mexican-American, or poor white. And when the neighborhood school goes to hell in a hack, all the middle and lower-middle income families in the neighborhood simply pick up and move to the suburbs, thereby creating another wholly segregated school.

Since an amendment forbidding such movement is unlikely, the important thing is not to "end de facto segregation." The important thing is to provide many more teachers, and much better teachers, for all schools carrying a serious burden of disadvantaged pupils. But there is no money to do that. Nothing for schools, and billions upon billions for freeways and expressways that promote the white emigration to the suburbs! That has been our rule for many years, again recalling the terrible sentence from the general confession.

The result is the present situation. This situation is not generally understood, yet the new SNCC leader, Stokely Carmichael, clearly understood it well enough when he boasted to a recent Washington rally that "We'd have black power" in most of the big American cities "within six years."

Six years is too short an interval, but school figures and population figures unanswerably indicate that most of the really major American cities are likely to have Negro majorities within the next decade, if not sooner. This is partly because of the growth of the ghettos, but the main cause is the flight to the suburbs of virtually all white families with children of school age.

Unless present trends are reversed, in short, most of our great cities are due to become huge Negro reservations—a series of super-Watts! When and if that happens, "black power" will no doubt be installed in City Hall. But when and if that happens, as any practical-minded man can foresee, there will be other consequences, too.

The change in the cities will not only accelerate the white movement to the suburbs, until the city centers truly are reservations in the grimmest sense of that grim word. This change will also, and above all, accelerate another movement that has already begun without anyone paying much attention.

Finance and business, industry and commerce will follow the flight into the suburbs; all the vast national investment in the centers will quite suddenly be almost worthless. And far worse still, these city-sized super-Watts of the future will have hardly more resources of their own to solve their problems than the Watts District of Los Angeles has today.

If we do not change the trend, there will be no hope of integration, no hope of equality for the Negro Americans. There will be an immense increase of the ugly race feeling that the riots have already begun to promote. There could even be, one day, a President Verwoerd in the White House. Any effort, any expenditure, any personal or national sacrifice, will be better than the thing we are threatened with, whites and Negroes together.

A MODEST PROPOSAL—II

(By Joseph Alsop)

Why are most of the American great cities likely to be transformed into super-Watts? Why, in other words, do more and more of the cities have heavy Negro majorities in their school systems, predicting virtually segregated Negro cities of the future?

The first answer is the schools. Here in Washington, for instance, we have elementary schools that are over 90 per cent Negro; we have a city-wide population that is two-thirds Negro; and we have a voting population that is still only about one-half Negro. (These differences appear in all major cities, although other cities' figures are down in the scale as yet.)

But although Washington has already become a predominantly Negro city, the District of Columbia retains a white population of about 250,000. There should, therefore, be a great many tens of thousands of white children of school age in the District. And in reality, there are almost none!

To be precise, Washington had 26,000 white children of elementary school age five years ago. It has lost half that number since then. And of the 13,000 white children of school age still in the District of Columbia, far more than a third attend private schools.

Those figures mean only one thing: That nowadays, white families with children almost automatically emigrate to the suburbs. That conclusion can be cross-checked, too, in half a dozen ways.

The Southwest redevelopment, for instance, has caused many white people to return to live in the District of Columbia. But of these returners, almost none are families with children.

Again, there are two or three Catholic parishes in Washington with particularly strong parochial schools. As the Negro people moved into these neighborhoods, virtually all white Protestant families with children moved out, leaving the public schools almost solidly Negro.

But many of the white Catholic families have stayed, although the parochial schools, too, now have very high Negro percentages. This is because the parochial schools, being strongly led, have remained as good as ever, and the Catholic families therefore saw no reason to move.

It would be unrealistic to deny that the cruel fact of race prejudice has played a role in the white emigration to the suburbs. But the truly dominant role has been played, and is still being played, by the schools themselves.

If the admission of large numbers of disadvantaged children causes a school to go to hell in a hack, almost all families who are able to do so rather promptly move to a neighborhood with better schools—which nowadays means a suburban neighborhood. And as the Watts Report shows the racial origin of the disadvantaged children has little to do with this emigration. The children's effect on the school, because of the extra burden they inevitably impose on the teachers, is the heart of the matter.

The truth of the matter is that the Justices of the Supreme Court left a needed job only one-half done, when they outlawed segregated schools. Because of this country's shameful history of economic and other injustices to its Negro people, the great majority of Negro children are disadvantaged. Desegregation of the schools should therefore have been accompanied by legislation sharply increasing outlays on the school systems, and particularly on the great urban school systems.

That can still be done. The question is whether it can be done in a way to halt the white movement to the suburbs, and even to bring a lot of white families back into the city centers—thereby making a reasonable population balance in both cities and school systems, and thus preventing the growth of the city-sized super-Watts that now threaten us.

The answer is not just good urban schools, which we do not now have. Merely good schools are no longer good enough to reverse the sinister population trend that may soon make our cities into vast Negro reservations. The answer, I fervently hope and strongly believe, is immensely superior urban schools, fine enough to hold and even to attract all families that want the best schooling for their children.

If New York spent $1700 per child per year, or a bit more than Scarsdale does; if St. Louis did the same—in short if present urban school outlays were just about doubled in every great city—the cities would soon enough have the superior schools that are so

desperately needed for social-political reasons as well as educational reasons.

That would leave the problem of safe streets, which has played a lesser, yet discernible, role in the white emigrations to the suburbs. For safe streets, more money must be poured out, not only on better police departments, but also on parks and playgrounds and other recreational facilities and all the other things that make a city a good place to live.

The total bill, as anyone can see, will be astronomically larger than the cities can hope to pay. But what if the Federal Government pays the whole cost of giving superior schools to the great cities, and further lets the cities use their present school budgets to make themselves habitable once again? That question will be examined in the last report in this series.

A MODEST PROPOSAL—III

(By Joseph Alsop)

The right way for all Americans to look at the desperate American urban problem is simply to think of our great cities as very important patients in a very expensive hospital.

In a healthy family, the father and children do not complain about being on short commons for a while, in order to pay for the mother's medical expenses. And if one may be cynical, this tends to be especially true if the father, the bread-winner, the source of the family's income and prosperity, is the person whose recovery from a dire disease is going to cost a small fortune.

In our almost wholly urbanized America, the great cities are the major sources of the general prosperity, and they are indeed direly diseased. They grow less and less fit for human habitation, year by year. They are afflicted with the open ulcers that are the Negro Ghettoes, which should fill every single American, be he Rocky Mountain sheepherder or Wall Street banker, with inextinguishable shame.

Furthermore, because of the population trends already examined in this series, most of the great cities are threatened with early transformation into vast, impoverished Negro reservations—city-sized super-Watts, in fact. Unless something is done, and done soon, to reverse the white emigration to the suburbs, that will be the end of the road, not just in one great American city, but in the majority.

For the reasons set forth in two previous reports, there is only one expedient that offers much hope of reversing the present urban trend. The great cities must be given superior schools—not just good schools, mind you, but immensely superior schools, with a strong attractive power—and along with superior schools, the great cities must be given the resources to achieve safe streets again.

That means an astronomical expenditure. A good guess is that all the great cities' present levels of spending per child in school should be at least doubled. In many cases, further funds should also be provided for root and branch rebuilding of antiquated, jail-like urban schools. And in most cities, sums just about equal to the present school budgets are needed to get safe streets, by more spending on police, parks, recreational facilities and other neighborhood-builders.

Now, then, is the job to be done? There is no use talking about increasing the cities' tax rates. High urban taxes are another influence behind the white emigration to the suburbs. Only the Federal Government can do the job.

Yet, if the Federal Government is to spend many billions per year to cure the disease of the cities, this necessarily means discrimination in favor of the great cities, and against the suburbs, the small towns and the countryside. Nothing could be more politically difficult, yet the job must be done.

Suggesting remedies is not usually the reporter's task, but the aim of this series is nontheless to offer a modest proposal for a remedy. We should begin, I think, by recognizing that the great cities are not merely a major source of the national wealth; they are also the sole source of the wealth of the metropolitan areas that extend for hundreds, even thousands of square miles beyond each city's limits.

The cities, therefore, may be regarded as engines which generate the whole flow of Federal revenue from each metropolitan area. And the cities are deeply diseased, endangering the revenue. Why not, then, take the three following steps:

First, let the President appoint a distinguished Federal commission, or even a series of commissions, to trace the true limits of the metropolitan areas of each of the great cities.

Second, let the Federal revenues from each metropolitan area be ascertained, and let the Congress recognize that the revenues from each area are in fact mainly generated in the diseased city center.

Third, let the Congress therefore provide that of these revenues from each metropolitan area, a generous percentage will be returned to each city-center, in order to pay for the superior schools that offer the main hope of cure for the urban disease.

In this manner, the subsidies to the cities that are so desperately needed will at least be placed on a rational basis. If the whole school bill is footed by the Federal Government (while the schools, of course, continue to be managed by the municipal school boards), the cities will then have enough financial elbow room to do all the things needed for safe streets.

There are other advantages in the plan. The newly traced metropolitan areas could later be used as a basis for metropolitan authorities, on the pattern of the TVA, to handle such urban-suburban problems as transportation—problems which are also urgent and grave. The superior schools should not merely cure the urban disease; they should also open the door out of the poverty trap for the children of the urban ghettoes.

But enough has been said, except for one thing. If you once grasp what this urban problem is going to do to the American future, you will automatically agree that any effort, any outlay, any sacrifice is justified to achieve a cure.

THE SEA AT NIGHT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PEPPER. Mr. Speaker, at a time when a lot of people wonder about the young men and women of America, and particularly are curious about the quality of the men in our armed services, I hope I am not presumptuous in calling attention to some beautiful lines written by a nephew of mine, Branson H. Willis, Jr., who is in his third year in the U.S. Air Force, having recently returned from service in the far Pacific. I believe it shows the sensitivity and the fine spiritual qualities which are to be found in so many of the young men and women of our day, and especially in those young men who, today, in our armed services are the gallant defenders of our way of life which puts so much emphasis on spiritual and moral values.

I ask that the brief essay, "The Sea at Night," appear following my remarks.

THE SEA AT NIGHT

(By Branson H. Willis, Jr.)

The sea at night—Can there be any one thing in all of our nature to equal its majestic qualities? Often I have walked along the beaches in the faintly luminous twilight, many times thinking various thoughts, more often enveloped in its somewhat erie setting. As the breeze sings softly on my ears, and as the waves beat angrily at the cool, sandy shores, the fresh, clean smell touches my senses, as if . . . yes! I am a part of it. For a single moment the world of reality is a distant memory. A sudden realization of myself as tiny as the single grain of sand, and I, too, am dwarfed by the bigness of it all. It is a feeling I treasure. Maybe I think of a girl I used to love only yesterday, yet that brief yesterday is years gone by. The street lights are out, the horns are silenced, the problems of man seem tiny in comparison to the realm of space and water. It is a wonderful sense of security and fear together. For a brief instant a flash of fear touches my mind, but only for a brief instant. Reassurance is all around me. I realize the eternities of mankind can never be reached or even delved upon. Then, as quickly as the moment came, it is gone. Regret floods my thoughts for I know I must again enter the streetlights, the horns, the problems, reality. Somehow, the reluctance eases for I realize I cannot escape. I am content to know that for a moment—ever so brief—I was free!

INTERSTATE TAXATION ACT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PEPPER. Mr. Speaker, as you know, there is great interest in the Interstate Taxation Act, H.R. 16491. The director of revenues for my State of Florida has sent me a resolution adopted by the Florida Revenue Commission opposing this legislation. Their main belief, in opposition to this bill, is that if it cannot be amended or defeated, Florida's present $18 million annual revenue from the use tax on interstate transactions will be reduced approximately 70 percent or $12,600,000.

I would like, at this time, to offer this resolution adopted by the Florida Revenue Commission on July 29, 1966, so that my colleagues may have the benefit of their feelings on this bill:

RESOLUTION OF THE REVENUE COMMISSION OF THE STATE OF FLORIDA

Whereas, Haydon Burns, Governor, Tom Adams, Secretary of State, Fred O. Dickinson, Jr., State Comptroller, Broward Williams, State Treasurer, Earl Faircloth, Attorney General, Doyle Conner, Commissioner of Agriculture, and Floyd T. Christian, State Superintendent of Public Instruction, as and constituting the Revenue Commission of the State of Florida, have been apprised of the recent introduction in the House of Representatives of the United States Congress on

July 25, 1966, of H.R. 16491, entitled "A Bill to Regulate and Foster Commerce among the States by Providing a System for the Taxation of Interstate Commerce," and

Whereas, said Revenue Commission has determined that said bill constitutes a grave threat to (1) the revenues of the State of Florida, (2) the flexibility and discretion of the State of Florida in maintaining its own tax administrative procedures, and (3) the efficiency of the administration of the Florida sales and use tax laws and would increase the cost thereof, and

Whereas, enactment of H.R. 16491 would abrogate the authority of Florida and other states to require multistate vendors to collect and remit use tax, which authority has been sanctioned by the Supreme Court of the United States in the General Trading and Scripto cases, and

Whereas, the enactment of H.R. 16491 would result in a loss to Florida of a substantial portion of Eighteen Million Dollars annually collected and remitted to Florida by approximately Six Thousand multistate vendors, and

Whereas, the administrative effort necessary to fight off pressures for the states to submit to federal restriction of the states' tax policy and administration and would render it increasingly difficult as time passed for any state to remain sovereign and independent, and

Whereas, the several states are now taking positive action to simplify compliance problems by enactment and adoption of uniform statutory provisions and regulations.

Now therefore, the Revenue Commission of the State of Florida, on this 29th day of July 1966, hereby expresses its strong opposition to the enactment of H.R. 16491 and urges that the several states be given a reasonable opportunity to enact and adopt uniform statutes and regulations which would reduce the burdens of tax compliance by multistate vendors and eliminate any suggested necessity for federal intervention in the area of taxation historically reserved to the states and sanctioned by the Supreme Court of the United States.

HAYDON BURNS,
Governor.
TOM ADAMS,
Secretary of State.
FRED O. DICKINSON, Jr.
State Comptroller.
EARL FAIRCLOTH,
Attorney General.
DOYLE CONNER,
Commissioner of Agriculture.
FLOYD T. CHRISTIAN,
State Superintendent of Public Instruction.

MRS. LYNDON JOHNSON SUPPORTS FORTHRIGHT CONSIDERATION OF ALTERNATIVES BEFORE MARRING THE GRAND CANYON

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. REUSS. Mr. Speaker, I am delighted to find that Mrs. Lyndon Johnson is among those who believe that thorough consideration should be given to alternative means of supplying water to Arizona and the Southwest before the Grand Canyon is irrevocably altered and damaged by the construction of huge power dams.

In a letter to Mr. Walter G. Wight of Greenbelt, Md., who wrote in protest against the Bridge and Marble Canyon Dams, Bess Abell, social secretary to Mrs. Johnson, wrote:

It is Mrs. Johnson's hope that forthright consideration will be given to alternate means for meeting the water and power needs of the thirsty Southwest, before any actions are undertaken that would mar the Grand Canyon.

If such a policy were to be adopted by Congress, it would mean refusing authorization of the Bridge and Marble Canyon Dams at this time.

It would mean prompt authorization of the Central Arizona project for the diversion of 1.2 million acre-feet of Colorado River water into Arizona. This diversion could be carried out without either of the proposed new dams by using revenues from existing Colorado River hydro-dams.

It would mean study and consideration of whether the national interest would best be served by the clumsy device of stretching the reclamation program into a means of financing a vast and enormously expensive program of inter-regional water transfer.

It would lead, I believe, to a conclusion that the Southwest can have needed water and America can continue to have the Grand Canyon as nature made it.

H.R. 4671, as ordered reported by the House Interior and Insular Affairs Committee, would authorize the Bridge and Marble Canyon Dams as profitmaking enterprises able to pay a part of the huge cost of water importation into the Colorado River Basin. These dams, which would damage the unique and irreplaceable Grand Canyon, have virtually no more relationship to the importation of water for the Southwest than would a steel mill in Pittsburgh or a gold mine in Alaska with comparable profits which were used to defray part of the cost of the necessary waterworks. This reality contrasts strangely with language in H.R. 4671 which speaks of the generation and sale of electric power as incidental to other purposes of the bill.

Expert studies indicate strongly that nuclear and coal powerplants are attractive alternatives to the hydrodams. Interest free Government loans, perhaps no larger than the nonreimbursable portion of the Government funds for the hydrodams, are another possibility.

But as the gentleman from Arizona [Mr. UDALL] has said, the main impediment to full consideration of such alternatives is "political." The law would have to be changed and controversy would result, he said.

However, Congress should not shrink from new laws and new departures in policy to meet the emerging need for a national water policy. Let us approach the problem carefully, weighing the possible alternatives and their impact on the national welfare. Let us reject a selfish grab for the Grand Canyon and a sacrifice of one of the world's great natural wonders because political expediency has us hemmed in.

Let us make the key decisions on interregional water transfers and water importation schemes after, not before, a national water study.

Because of Mrs. Johnson's great contributions and longstanding interest in conservation of our natural resources her views are highly significant. I include the text of the aforementioned letter to Mr. Wight:

THE WHITE HOUSE,
Washington, July 20, 1966.

Mr. WALTER G. WIGHT,
Greenbelt, Md.

DEAR MR. WIGHT: Mrs. Johnson has asked me to thank you for your recent message to her and tell you how much she appreciates your support of efforts to preserve and enhance the natural beauties of America.

She appreciates your comments about Grand Canyon and current proposals for installing further dams along the Colorado River. As you may know, these measures are before the Congress at the present time. It may interest you to know that because of interest from all over the world in this great natural wonder, the Administration did not recommend construction of Bridge Canyon Dam to the Congress.

It is Mrs. Johnson's hope that forthright consideration will be given to alternate means for meeting the water and power needs of the thirsty Southwest, before any actions are taken that would mar the Grand Canyon.

Sincerely,

BESS ABELL,
Social Secretary.

KEEP DEFENSE FACTS FROM ENEMY

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, on July 28, 1966, the Columbus Dispatch printed an excellent column by Alice Widener concerning the injustice of some recent criticism directed against Assistant Secretary of Defense Arthur Sylvester.

In her column, Mrs. Widener makes the very apt observation that:

Nothing is harder to correct than a publicized untruth; nothing is harder to repair than a vendetta-type injustice.

I would add the corollary that nothing is more unfortunate and inexcusable than irresponsible reporting which blatantly violates the bond of trust between the administration and the press.

I find it inconceivable that anyone, and particularly a Member of this body, should see fit to question the integrity of the Assistant Secretary of Defense for Public Affairs. Certainly never before in the history of our Nation has a position such as his been so involved with the question of instantaneous communications, the need to properly inform the American public, and the responsibility to protect the lives of the fighting men involved. Never before has the American press been so excellently equipped and so intricately committed to providing the most complete news coverage of any war, as it is in Vietnam.

At the same time, modern communications systems have presented a tremendous challenge to the members of the press to join with the Nation's leaders in formulating guidelines which will guarantee accurate coverage of the war in Vietnam and still protect the necessary secrecy of vital information about our military action there.

Certainly Secretary Sylvester has set an outstanding example in charting new policies which will serve the best interests of the American public and also protect the lives of the Armed Forces in Vietnam. Contrary to several isolated, but well-publicized, reports, Secretary Sylvester has never advocated a deliberate misrepresentation of factual data in news reporting, and most certainly he has never sought to impose upon the press the subterfuge role of propaganda spokesman for the American Government.

Arthur Sylvester, as a former correspondent, does ask, and with justification, for responsibility. The Secretary has stated his position very clearly:

When any nation is faced with nuclear disaster, with the life or death of your nation, you do not tell all the facts to your enemy.

Therefore, it seems clear to me that there is no question of Secretary Sylvester's purpose. He has merely restated a position any responsible reporter would himself advocate. I compliment the Assistant Secretary of Defense for Public Affairs for the wisdom he has shown in this very difficult area of public concern, and I call special attention to Mrs. Widener's closing words:

Discretion—meaning prudent silence or a discerning good judgment—still is sometimes the better part of valor.

I believe very strongly that Secretary Sylvester has shown the highest measure of valor in the manner in which he is carrying out an extremely difficult job.

I therefore respectfully submit Mrs. Widener's article for insertion in the RECORD, in order that all may have the opportunity to read it:

[From the Columbus (Ohio) Dispatch, July 28, 1966]

SYLVESTER IS RIGHT TO KEEP DEFENSE FACTS FROM ENEMY

(By Alice Widener)

Nothing is harder to correct than a much publicized untruth; nothing is harder to repair than a vendetta-type injustice.

I don't like untruths, half-truths or injustice, and so I believe it is time to try to correct some unfair propaganda against Assistant Secretary of Defense for Public Affairs Arthur Sylvester.

Recently I sought an exclusive interview with him to find out facts about his alleged opinion. "It's the inherent right of the government to lie to save itself."

Also I wanted to find out some facts about the problem of press reporting on the Viet Nam War.

Actually the headline-getting statement of Secretary Sylvester about the right of government to lie to save itself was only a part of his response to a questioner during the Cuban missile crisis in 1962.

In reply to my recent direct question, Secretary Sylvester said, "I can only tell you what I told two congressional committees under oath. Obviously no government information program can be based on lies; it must always be based on truthful facts. But when any nation is faced with nuclear disaster, with the life or death of your nation, you do not tell all the facts to your enemy. That, and that alone, is what I am talking about.

"Moreover, in the Viet Nam War, no reporter has a right to divulge information endangering the lives of our fighting men, and none has a right to divulge information about troop movements or planned military maneuvers that would so endanger them.

"I believe in government of the people, by the people, and for the people. I do not make an arbitrary separation between government and the people.

"When the Government is taking life or death emergency measures to protect all the people as was being done over the weekend prior to President Kennedy's address to the nation in the Cuban missile crisis—it is essential not to give the enemy an advantage by letting him know exactly what you are doing.

"That is essential to the people's right to survival in a nuclear era. In such event, the interests of the people and the government are one, and I am confident that is the way we want it to be."

I personally am in full agreement. Also, I believe it to be entirely right that President Johnson has asked the FBI to investigate who leaked to a newspaperman advance information about our recent air attacks on the Hanoi and Haiphong oil installations.

Our pilots are human beings with a right to maximum survival chances.

No reporter or government employee has a right to leak vital information about our military action in Viet Nam in defiance of press ground rules laid down by the military, regulations faithfully observed by most reporters.

I am no respecter of persons and don't believe anyone is perfect—me first. But I think it is about time that my colleagues in the press and the American people give Secretary Sylvester a decent break. I believe he is a patriotic American trying hard to perform an extremely difficult task in time of undeclared war that is not of his own making.

Secretary Sylvester doesn't believe in lying to the people and neither do I. But nobody need always tell every single thing he or she knows—not in a private family or public community or a nation.

Even in our times of instant worldwide communications, discretion—meaning prudent silence or a discerning good judgment—still is sometimes the better part of valor.

OUR HISTORIC CAPITOL

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SCHEUER. Mr. Speaker, with plans having been formulated to extend and alter the historic west front of our Capitol, I wonder how many of us are familiar with the fascinating architectural history behind that building. Reading of the struggles of Latrobe, Walter, and the other contributors to this great building inclines one, I believe, to more strongly support preservation of this cultural and historic heritage.

The history of the Capitol and an evaluation of the attempts to change it are compellingly set forth in an article by the eminent Washington Post critic, Wolf Von Eckardt. In his concluding paragraph, Mr. Eckardt reminds us of the real cost of extending the west front: "an estimated $34 million and the certain loss of a building that for a century and a half has in Thomas Jefferson's words 'captivated the eyes and judgment of all.'" Mr. Von Eckardt's article follows:

LESSER MINDS FIDDLE WITH WHAT FATHERS FUSSED OVER

(By Wolf Von Eckardt)

Although busy enough making independence and self-government work, George Washington and Thomas Jefferson worried and fussed a great deal about the National Capitol.

The original building—the last remaining portions of which lesser minds would now entomb in a new, vastly extended marble front—is as much their work as that of architects William Thornton, Benjamin Latrobe and Charles Bulfinch.

As Washington and Jefferson saw it, the Nation's first building was to be the symbol for generations of the dignity and permanence of the new republic.

Two generations later, President Millard Fillmore decided against tampering with the original building when Congress demanded more space. Instead, in 1851, he appointed architect Thomas U. Walter to add new wings to either side of the old building. They are connected with it by narrow corridors. To give harmony to this ensemble, Walter capped it with his magnificent dome.

To Abraham Lincoln, too, the Capitol was a symbol of the permanency of the Union. Despite the demands which the Civil War made on manpower and finance, he ordered the work rushed to completion. His judgment of the country's sentiment was soon proven correct:

"How is the Capitol? Is it finished?" were among the first questions the representative of the Confederacy asked the representative of the Union when South and North first met to negotiate the end of hostilities on Feb. 3, 1865, aboard a ship in Hampton Roads.

It was essentially finished. Two years earlier—not long after Gettysburg—the bronze statue of Freedom was, precisely at noon on Dec. 2, 1863, slowly hoisted atop the great cast iron dome. A flag was unfurled and a salute of 35 guns was fired from Capitol Hill.

All that remained to be done now was Frederick Law Olmsted's magnificent west terrace and landscaping and, obviously, continuing interior improvements of plumbing, lighting, heating and cooling. But for this the building and the symbol were complete, or should be considered so. Who would dream of extending St. Peter's in Rome, Monticello, Mount Vernon or even the Houses of Parliament in London?

BICKERING GOES ON

But the unending bickering—a curious mixture of political and architectural ambition, of genius and pettiness, parsimony and extravagance, respect for history and disrespectful vainglory—that had accompanied the work from the very beginning has persisted to this day. In a way this bickering helped create our Capitol. Now it threatens it.

President Fillmore had ended the long debate in Congress about enlarging and changing the original Capitol because he would not "mar the harmony and beauty of the present building which, as a specimen of architecture, is so universally admired." Yet only ten years later scheme after hideous extension scheme was proposed.

For nearly a hundred years, Congress, supported by the vast majority of the country's

architects, has resisted all of them. Rather than change and disfigure its glorious home, Congress decided to accommodate the ever-growing need for additional space and facilities by constructing new buildings on Capitol Hill. The results are the Library of Congress, the Supreme Court Building, the old and new Senate Office Buildings, three huge House Office Buildings and now the proposed Madison Memorial Library which will serve as a third building for the Library of Congress.

The old, vainglorious and long rejected enlargement proposals of the 1870s and '80s have, however, intrigued the present Architect of the Capitol, J. George Stewart, who is not an architect but a builder and former Republican Congressman from Delaware.

With the emphatic backing of the late House Speaker Sam Rayburn (D-Tex.), he puffed out the east facade of the original, central portion of the building by 32½ feet with a new, slick marble replica. The work was completed in 1961.

ON THE WESTERN FRONT

Last month Stewart and his powerful Commission for the Extension of the Capitol suddenly announced that they had decided to similarly extend the west front, but this time by up to 88 feet and not with a replica but a somewhat changed design. The members of this Commission, in addition to Stewart, are Vice President HUBERT H. HUMPHREY, House Speaker, JOHN W. MCCORMACK (D-Mass.), Senate Minority Leader EVERETT M. DIRKSEN (R-Ill.) and House Minority Leader GERALD F. FORD (R-Mich.).

This second extension would, of course, spell the final obliteration of the splendid building that Fillmore saved and Washington and Jefferson worried so much about.

Of all the politicians who fussed with the work of the Capitol's architects, Washington and Jefferson were surely the most qualified. An informed appreciation of architecture was, in their day, considered an essential part of the education of a Virginia gentleman.

True, Washington thought it best to let the design of buildings "be governed by the rules which are laid down by the professors of the art. But his active part in the enlargement of his home at Mount Vernon belies this modesty.

And for Jefferson, of course, architecture was a passionate avocation. He had, he confessed, in uncharacteristic ecstasy, "stood for whole hours gazing at the Maison Carré like a lover at this mistress." It was not that this exceptionally well preserved Roman temple at Nimes, in southern France, seemed more perfect to him than other buildings he had seen.

It was because, in the words of one scholar, this temple's almost austere simplicity—in contrast to the still predominant Georgian style which accompanied British colonization—"was the speaking symbol of all that America could and should stand for, proclaiming the strength of republican virtue, the beauty of discipline, the wisdom of rule by laws rather than men, in a language he wanted all the United States to learn."

In quest of such architecture, Washington and Jefferson called a competition for the design of the Capitol. Its disappointing results may justify the slight hanky-panky which helped Thornton to win it. The fact that he had been introduced to President Washington by the famous painter John Trumbull may also have helped.

At any rate, Thornton was given permission to enter three months after the competition was officially closed and after the French architect Stephen Hallet had been given reason to believe that he had won. But surely Hallet's drawing of what looked like the fairy tale palace of a minor Renaissance prince was hardly the simple, classic building both Washington and Jefferson had in mind.

William Thornton was born in 1759 at Tortola in the Virgin Islands. He studied medicine in Edinburgh, traveled extensively in Europe and in Parisian society, settled for a while in Philadelphia where he knew Benjamin Franklin, gave up the practice of medicine and married a 15-year-old girl. He eventually became a Commissioner for the District of Columbia and later head of the United States Patent Office which he saved from destruction by the British in 1814 by stepping in front of their cannon and cussing them out.

At Philadelphia he had learned of a competition for the design of a public library. "When I traveled," he wrote, "I never thought of architecture, but I got some books and worked a few days, then gave a plan in the ancient Ionic order, which carried the day."

He carried the day again in the Capitol competition, his second architectural effort.

"Grandeur, simplicity and convenience appear so well combined in this plan of Dr. Thornton's," wrote George Washington on Jan. 31, 1793, to the District Commissioners who were officially in charge, that he was certain of their instant approval.

And Jefferson let it be known that Thornton's design "had captivated the eyes and judgment of all. It is simple, noble, beautiful, excellently arranged and moderate in size. . . . Among its admirers none is more decided than he whose decision is most important."

But Hallet's eyes and judgment, understandably perhaps, were captivated not at all. He, after all, was a professional architect and Thornton was not. And the District Commissioners, it turned out, made a bad mistake when, to appease the cantankerous Frenchman, they awarded him the same prize as Thornton ($500 and a building lot in Washington), invited him to examine Thornton's plans (which he promptly ripped to pieces in a lengthy report), and gave him the $400-a-year job of supervising the construction of the building (which he proceeded to change in accordance with his own ideas).

When it was discovered that Hallet had laid foundations for a square court, instead of the Rotunda Thornton had planned, President Washington, according to the long harassed Thornton, "expressed his disapproval in a style of such warmth as his dignity seldom permitted."

Hallet was fired. But since he refused to surrender the original plans, it is difficult to judge precisely how much influence he had on the design. Some historians have accepted Hallet's assertion that Thornton stole it from him in the first place. Glenn Brown, in his two heavy volumes on the history of the Capitol, defends Thornton's originality and competence with passionate eloquence.

The truth is probably, as Latrobe has written, that Thornton's design was one of the most brilliant and modern of his time, but that the amateur lacked the practical skill to properly execute and articulate it. His, regardless of details, is no doubt the chaste, classic simplicity of the building that pleased Jefferson so well and that Walter's House and Senate wings lack. As any discerning art historian knows, it is impossible to recreate this spirit, the "Zeitgeist," as the Germans call it, of a work of art. And although George Stewart's East Front now appears as an exact replica, future generations will, no doubt, instantly recognize it for what it is—a mid-20th century imitation.

Even Latrobe, aside from his jealous ambition, rebelled against Jefferson's and Thornton's pure classicism, though in the end he, like Bulfinch, faithfully executed Thornton's design. Besides he created the marvelous interiors of the original building.

Another difficulty was lack of skilled craftsmen. It proved hard to recruit carpenters and stone cutters who could build anything higher than thresholds.

Money, furthermore, was short. Washington's public buildings were to be financed from the sale of lots. But in the trackless wasteland where few streets were even marked, the real estate business was slow. The Government had to borrow money.

Under the circumstances, President Washington would not hear doing the building in marble as Thornton urged. There was none about at the time and it would have had to be imported at tremendous expense. Instead the original Capitol was built of sandstone from the nearby Acquia quarry and painted white.

CORRODED AND PAINT-BAKED

Sandstone is porous and has, as the incumbent Architect of the Capitol keeps pointing out with much alarm, corroded in spots and is caked with the innumerable coats of paint. But Washington's sandstone is part of our history, too. And although it must, of course, be repaired, and although marble is unquestionably the most suitable building material, it should no more be changed for the sake of prettiness than we should put up plastic cherry trees around the Tidal Basin.

On Nov. 22, 1800, President John Adams welcomed Congress in the completed north wing of the building, congratulating the gentlemen "on the prospect of a residence not to be changed." Seven years later, built under the direction of Latrobe, the identical south wing was completed. The two were joined by a wooden arcade where the Rotunda now stands.

Latrobe was appointed by Jefferson in 1803. He was a most accomplished architect and engineer but just as arrogant and troublesome as Hallet had been—at least for poor Thornton. The two kept harpooning each other with bitter accusations and acid sarcasm.

Latrobe was born in England and trained partly in Germany. On a visit to Philadelphia, in 1798, he met the president of the Bank of Pennsylvania and in the course of a casual conversation made a sketch of what a bank ought to look like. Nine months later, to his great surprise, he had the commission.

Latrobe was almost unique among the architects of his time in believing in function as well as form. This led him to his many quibbles, not only with Thornton but with Jefferson as well, who would not have his conceptions of classic design altered for the sake of a more workable building.

Latrobe and Jefferson, for instance, disagreed violently over roofing the House of Representatives. Latrobe, for functional reasons, wanted a hemispheric dome lighted by a lantern with vertical glass panes that could be easily waterproofed. Jefferson wanted something like the dome over the new Halle aux Bles he had seen in Paris with long ribs springing from a drum and horizontal glass strips between them. It seemed to him more like the Pantheon in Rome.

The President had his way. Latrobe was sarcastic. "Presidents and Vice Presidents are the only architects and poets," he wrote his assistant. ". . . Therefore let us fall down and worship them . . ." The leaks Latrobe had predicted were fixed with some extra putty.

But Jefferson, like everyone else to this day, much admired Latrobe's handsome "corncob" capitals on the ornamental columns in the original Senate wing. It was a patriotic deed of much daring to replace the 2000-year-old acanthus leaf of antiquity with a motive as lowly—and American!—as carved ears of Indian corn.

BRITISH SET FIRES

"The Cossacks spared Paris," as one English newspaper remarked, but the British did not spare Washington and the fire damage they did to the Capitol in 1814 was extensive. The District Commissioner promised Congress, which had retreated to Sam

Blodget's nearby hotel, to have the building restored by 1816. It took 14 years longer.

Latrobe now did over much of the formerly wooden interiors in marble and metal, but was out of town a lot on other business and an increasing irritant to the growing bureaucracy. In 1817 he stiffly informed President James Monroe that he had "no choice between resignation and the sacrifice of all self-respect." He was spared the sacrifice. Bulfinch took over and to him goes the credit for completing the Capitol much as Thornton had envisioned it.

That job completed in 1830, there seemed no more need for an Architect of the Capitol and the position was abolished for many years.

In 1850 the country's population exceeded 23 million and even distant California had become a state. The 62 Senators and 232 Representatives who assembled that year felt crowded.

Again, following precedent, a competition was called. Again the munificent sum of $500 was offered as first prize. And again the entries proved most unsatisfactory.

Robert Mills, the official government architect and engineer at the time, was asked to combine the various ideas the competition had brought out into a new scheme. Mills had designed the Washington Monument, the Treasury and the Patent Office (now the National Portrait Gallery), among other handsome buildings, but failed to please Congress on this job. After much hassle, President Fillmore appointed Thomas U. Walter to build the Capitol as we know it today.

Walter's design reflects a different America than Thornton's. The age of elegance and almost aristocratic refinement had yielded to a new sense of power—in fact, to a certain arrogance, and to the esthetic confusion of the beginning industrial revolution. Walter's idea of "classic" architecture was different from that of Thornton and Jefferson. He would, he once lectured, have architects think as the Greeks thought, not do as they did. And what he thought the Greeks thought was really what most Americans thought of—the manifest destiny of a new industrial empire.

Walter's nine million pound, cast-iron dome reflects this spirit. Besides, it was a great engineering feat. People often wonder how Walter got the 16-foot figure of Freedom way up there. It's quite simple. He merely built scaffolding straight up the middle of the rotunda, through the eye of the dome. From there he swung a derrick by means of which the ironwork could be hoisted up on the outside.

He left the interior of the original rotunda unchanged up to the top of the cornice. From there a new and higher inner dome was constructed.

The last constructive and truly handsome work on Capitol Hill was performed by Frederick Law Olmsted, America's greatest landscape architect, who, beginning with Central Park in New York, gave us fine city parks all over the country. Olmsted, in 1874, spruced up the Capitol grounds. He created the handsome plaza on the east of the building which has now been turned into a dismal parking lot. And he designed the marble terraces and grand stairs on the west which Stewart's extension scheme would also destroy, along with the architecture. They were, according to Olmsted, "to support, sustain and augment."

By the time all this was finished, Ulysses S. Grant was President, the flag had 38 stars and Congress again felt crowded.

Though long retired as Architect of the Capitol, Walter offered two remedies. His plans showed the Capitol enlarged like a blown-up balloon. Then the busy architectural firm of Smythmeyer & Pelz came along with a real lulu. Extending the Capitol east and west, they wanted to adorn it with towers and turrets in all directions. It was filed away.

In 1903, however, these ideas were again resurrected and a Joint Commission of Congress appointed architects Carrere & Hastings to study the possibility of extending the east front.

They recommended an extension of no more than 12½ feet to give Walter's dome better visual support. They called this Scheme A. In addition, they complied with the request of the Commission for more space but recommended against it. This plan, called Scheme B, was to extend the east front by 32½ feet. With some slight amendments, the Commission approved Scheme B, despite the architects' recommendation to the contrary. But *the Congress as a whole voted it down in 1905 and built the first House and Senate Office Buildings instead.*

Nothing was ever said about the west front.

Scheme B was brought up and voted down three times more—in 1935, 1937 and 1949. In 1955, a year after J. George Stewart was appointed Architect of the Capitol, legislation to extend the east front in substantial accordance with *Scheme B was passed as a rider to the Legislative Appropriations Act. There were no public hearings or public debate.* But the measure had the emphatic backing of Speaker Sam Rayburn. Many Congressmen apparently took any criticism of the scheme as a criticism of this popular leader. The deed was done.

A PROMISE BY RAYBURN

Again, nothing was ever said about the west front. On the contrary, Rayburn assured the Congress in 1958 that "we are not going to do anything with the west end."

Yet the present Commission for the Extension of the Capitol says that it derives its authority from the 1955 Scheme B legislation.

It proposes to bring out Thornton's portico by 44 feet and change its design by adding a pediment, widening it and adding more columns. Thornton's wings are to be brought out 88 feet. And Walter's corridors that connect the original building with his wings is to be extended by 65 feet. Olmsted's terrace and stairs are to be redesigned.

The yield: 4½ acres of space—a 25 per cent increase in the size of the present Capitol—to be used for two visitors' auditoriums, two cafeterias, four dining rooms, several conference rooms and 109 "hideaway" offices for Members of Congress.

The cost: an estimated $34 million and the certain loss of a building that for a century-and-a-half has in Thomas Jefferson's words "captivated the eyes and judgment of all."

OUR INADEQUATE HOSPITALS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SCHEUER. Mr. Speaker, at a time when we are making great strides forward in medical care for the aged in this country, we cannot overlook the shockingly inadequate state of our hospitals across the Nation. Although July 1966 marked the historic beginning of the medicare program, it was also the month when hospital care in my own city of New York was crippled by strikes of nurses and orderlies, when Dr. Howard J. Brown, New York City's health services administrator, suggested closing one of the major hospitals in the city, for lack of adequate personnel, and when news media were filled with harsh denunciations of the quality of medical care in America.

Facts vital to the American public which had not previously been brought to its attention revealed the urgent need for upgrading the standards and facilities for medical care. According to a study made in 1964 by Columbia University for the Teamsters' Union, 43 percent of the patients in New York City's hospitals received fair to poor care. Another more recent study made by the Hospital Review and Planning Council of Southern New York, showed that 47 of New York's 130 general hospitals need to be completely replaced; properly to renovate the others, $324 million would be necessary.

This appalling situation was graphically presented to the American public by a series of television programs which recently appeared on WCBS–TV, entitled "Are You Safe in Your Hospital?" Some of the significant portions of these television broadcasts follow:

Earl Ubell, one of America's most distinguished science and medical reporters, questioned Dr. Samuel Standard, professor of clinical surgery at New York Hospital, one expert who checked the surgeon's performance:

Dr. STANDARD. The total rate of optimum surgery for the entire group was close to 60 per cent. It was 57 per cent for the total group.

UBELL. In other words, the chances of a patient getting optimum surgery, in this city . . . is six to four.

Dr. STANDARD. That's right; that's right.

UBELL. And four times out of ten he will get less than optimum surgery?

Dr. STANDARD. That's right.

DUNN. The city's Bureau of Laboratories checks on their skills by giving them various samples of blood, urine and cultures to identify. Dr. Morris Schaeffer, the Director of the Bureau, keeps an accurate score of the results.

Dr. SCHAEFFER. Well, they will vary with the different institutions. Some are good in one area but may be weak in another. One of the poorest areas is bacteriology. This seems to have become a lost art. Only a few of the large laboratories can do bacteriological determination accurately. Many of the others, however, seem to be falling down in this area.

UBELL. In other words, they fail to identify the infectious germs which a patient might have?

Dr. SCHAEFFER. Yes, that's correct.

UBELL. Out of a hundred cases, how many are in error?

Dr. SCHAEFFER. Well, it depends upon the rating. If we ask for perfect ratings, we might find fifty per cent of the laboratories not able to do perfectly although they are able to do well. On the other hand if we say—allow them one error out of three we might find 25 per cent of the laboratories still making that amount of errors.

UBELL. Taking a look at the facilities within hospitals, how many of our hospitals have adequate surgical facilities, adequate physical therapy departments, and adequate clinical laboratories?

Mr. PETERS. We looked at all of these departments in depth. We found that of the surgical suites, the operating rooms, 22 percent, or one out of five, were adequate. In the X-ray departments, ten percent, one out of ten, were adequate. In physical therapy departments we're running about 27 percent

adequate. In other words, about three out of ten were adequate. But there are 130 hospitals in New York City that we're concerned with, and out of these, 47 need to be replaced and another 24 require extensive modernization.

UBELL. Well, what's the bill for all this going to be?

Mr. PETERS. Well, we estimate the bill will be at least $750 million.

William C. Wilkins, one of the nurses in Bellevue Hospital, works in a ward with dozens of patients.

UBELL. How many nurses are there who work in this ward?

Mr. WILKINS. I am the nurse.

UBELL. You're the nurse? The only one?

Mr. WILKINS. I'm the only one. We have one practical nurse who relieves on three different other wards on our days off. There is one practical nurse who covers four wards on relief shifts and there's one to two nurses for the whole building, the whole twelve wards on the night-to-day shift.

UBELL. How many patients is that?

Mr. WILKINS. Well, there are 26 patients to the ward now. This is just a recent innovation. There had been 32 patients on the ward and they removed six beds at our request.

UBELL. Is that a normal nurse's load, 26 patients per nurse?

Mr. WILKINS. No, it's not. The normal nurse's load in modern hospitals, in the voluntary hospitals, will run two, maybe three patients.

Mr. Speaker, I would like to congratulate WCBS–TV for this fine documentary film dealing with a matter of vital concern to the public.

THE DOCTOR SHORTAGE IN INDIANA'S NINTH DISTRICT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HAMILTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HAMILTON. Mr. Speaker, Indiana needs doctors.

Indiana is the 11th largest State in the Nation, and over the last 40 years has experienced a steady decline in the number of doctors available to serve its health needs. While in 1940, we had 150 doctors for every 100,000 people, today we have only 97. But the national average is 143. Although the doctor-patient ratio is not the only standard by which we measure the doctor shortage, it nonetheless makes apparent the gravity of the Indiana problem.

In the past 2 years, I have had informal talks with many Ninth District residents. On almost every occasion, and especially in meetings with women and young mothers, the question arose, "What can you do about getting more doctors?" These women speak from a deep concern. It is these women, and our elderly, who are most acutely aware of the shortage of doctors.

There are several reasons for this shortage. First, doctors are part of a general migration from the Midwest. Second, residency training is crucial in determining where a doctor will choose to practice. Unfortunately, in Indiana, there is a statewide shortage of opportunities for internships, residencies, and continuing medical education. Third, the State of Indiana and local communities have not made Indiana an attractive place to practice medicine. Fourth, all across the country, an insufficient number of our young people are choosing the medical professions. Fifth, doctors generally find it more convenient and profitable to locate near large hospital complexes and near large population centers.

The Ninth District, being predominantly rural, is especially hard hit by the doctor shortage. The 17 counties in the Ninth District need 176 new doctors. If we consider that many of the doctors in the Ninth District are specialized, and not in general practice, the need is even greater.

By the U.S. Department of Health, Education, and Welfare guideline, a community should have at least 1 doctor for every 1,000 potential patients. Using this standard, every Ninth District county is faced with a shortage. Here are the totals:

County	Number of physicians required	Number of physicians now practicing	Number of physicians short
Bartholomew	52	46	6
Clark	68	44	24
Dearborn	30	18	12
Decatur	21	11	10
Fayette	24	12	12
Franklin	17	4	13
Jackson	31	17	14
Jefferson	24	19	5
Jennings	18	7	11
Lawrence	37	26	11
Ohio	4	3	1
Orange	17	9	8
Ripley	22	10	12
Scott	15	7	8
Shelby	35	22	13
Switzerland	7	2	5
Washington	18	7	11
Total	440	264	176

Every citizen should have access to a physician—not only when an emergency arises—but for the regular care essential to good health. But we are not going to get doctors merely by wishing for it or by asking them to come in to the Ninth District. We are not going to get the doctors who are so desperately needed, unless there is planning. This means getting our community leaders around a table, enlisting public support and setting up a coherent and well-structured program. The formulation and initiative must come from local people. Private organizations, and the State and Federal Governments can lend a hand, but the strength of the program rests with local control and community interest.

WHAT CAN BE DONE?

In the short run, there is very little that local citizens can do about the exodus from the Midwest. This is a regional problem which demands community action of far-reaching significance. I spoke on this subject several weeks ago on the floor of the House of Representatives.

The shortage of residency positions must be solved on the State level, and it is encouraging to see our State officials and the medical profession moving to meet this shortage. Our local citizens, however, can do a great deal to make the Ninth District communities attractive for the practice of medicine. This means that the communities in the Ninth District must provide doctors with modern facilities for practicing medicine, assure doctors a reasonable income, and show that our communities are desirable places in which to live and to raise a family. And we can help alleviate the general doctor shortage by encouraging Hoosiers to go into the medical professions.

WHERE DO WE BEGIN?

Communities in the Ninth District must determine their needs and their capabilities. How many doctors do they need? How many can they support? If assistance is desired, the Sears-Roebuck Foundation, through a preliminary survey of the area, will provide a factual evaluation of the community's medical needs. For further information write the Sears-Roebuck Foundation, Director Medical Program, D/703, 3333 Arthington, Chicago, Ill.

COMMUNITY ORGANIZATION

If the survey shows that there is a need for a doctor and that the community has the financial resources to support his entry, a nonprofit corporation can be established. Of course there are other ways to formally organize.

Whichever way the community chooses to organize, the core group, with officers from the community, must take charge of the health improvement drive and must direct the resources of the community in the proper directions.

Raising money, however, will probably be the group's most difficult task. Support must be solicited from every member of the community. Farmers and merchants, businessmen and laborers, must be shown that their interests are best served by recruiting a doctor for the community. Though it means hard work, the corporation has the advantage of a keenly felt need.

A hard core of supporters must contact these members of the community to enlist their support. The PTA, the Boy Scouts, the chamber of commerce, service clubs, and other important civic groups must join in the drive. The support of local newspaper and radio stations will be crucial.

In short, the community health improvement drive, though directed by the corporation, is a community project. Without community support the most aggressive and enterprising corporation will fail.

A SCHOLARSHIP AND LOAN PROGRAM

A community may want to look around in its own area to find potential doctors. It can provide a scholarship or low interest loan to a local youth graduating from college who wants to pursue a career in medicine. If the community wants to guarantee a return, it can provide loans whose payment is reduced a certain percentage for each year the individual chooses to practice in the area.

The corporation may want to contact the dean of the Indiana University Medical School who can arrange for a meeting between a student and the community leaders. If the meeting proves successful, the corporation can make

arrangements to help finance the student's medical education. At least one Ninth District community has tried this approach and succeeded in getting a doctor for their community.

The President, in his January 25, 1966, message on rural poverty, recommended increased loan forgiveness for graduating physicians whose medical education has been financed in part by the Federal Government and who choose to practice in rural areas. The Allied Health Professions Personnel Training Act of 1966, which passed the House, authorizes forgiveness on loans at a rate of 15 percent a year up to 100 percent. This proposal, if enacted, will be helpful to rural communities in attracting doctors.

HOSPITAL IMPROVEMENT

Almost one-half of Ninth District hospitals have bed-occupancy rates above 90 percent. In fact, three of our hospitals have occupancy rates above 100 percent. These facilities simply cannot handle the demand placed on them by Ninth District residents.

Good hospitals, however, are a great inducement to a doctor when he must choose between alternative locations for a medical practice. They not only encourage doctors to enter the area, but also to remain. The corporation can provide funds to our overcrowded hospitals for increased bed capacity or for technical improvements.

Federal aid is available, often through the State government, if the community wishes to use this source of funds. The community should not forget, however, that financing is primarily a local responsibility. Federal financial aid can only be used to supplement local efforts.

The Hill-Burton program provides grants and long-term, low-interest loans to States in constructing and improving hospitals and other medical facilities. Five hospitals in the Ninth District have received a total of more than $2 million under this program. The Administration on Aging offers grants that States can make available to nonprofit, voluntary organization to plan, develop, and coordinate the providing of health services for older people.

The Department of Housing and Urban Development, through the Community Facilities Administration, provides long-term loans to communities to help build hospitals and to finance the local share of the cost of a project partially financed by another Federal agency.

The Federal Housing Administration will insure mortgage loans to corporations or associations to help build or improve nursing homes of at least 20-bed capacity.

If financing is not otherwise available, the Small Business Bureau may offer loans on reasonable terms.

MEDICAL CENTER

If the survey conducted by the Sears-Roebuck Foundation shows that your community needs a doctor and that your community can provide him with a $25,000 a year practice—which is not unreasonable considering his expenses and his training—the foundation will help you plan a medical center. An attractive medical center with sufficient outpatient facilities and modern equipment can act as a strong inducement to a beginning doctor.

The foundation will provide an architect and the plans for a two-doctor building and larger buildings that are adaptable to local conditions. Complete plans and specifications will be provided for cooperating communities which wish to follow these plans without deviation.

Some aid is available from the Federal Government, but again cannot be used to supplant local programs for financing. The Public Health Service provides matching funds to States to help construct comprehensive community health centers. The Small Business Administration makes loans to small, privately owned hospitals and clinics when private financing is not otherwise available on reasonable terms. See "Hospital Improvement" above for other Federal programs.

A WELL-ROUNDED COMMUNITY

A doctor, like the rest of us, wants to live in a community where he can raise a family. This means a nice home, good roads, good schools, recreational and cultural facilities, and a healthy religious atmosphere. Of course, the corporation cannot work on a program of overall community development, but it should not ignore the impact of these factors on any individual's decision to move into a community.

FINDING A DOCTOR

Once the community has established that it wants and needs a doctor, and has taken steps to provide the facilities necessary to the practice of medicine, the community must begin making contacts. If the community is working through the Sears-Roebuck Foundation, they will use the foundation's close-working relationship with the American Medical Association and the State medical societies to obtain a doctor. If the community is working independent of the foundation, it can go directly to the placement service of the Indiana Medical Association. It also can contact the dean of the Indiana University Medical School.

The Journal of the American Medical Association, the Journal of the Student American Medical Association, and some local medical association publications, accept advertisements listing openings for medical practice. The community may want to post brochures in all nearby hospitals or send them directly to medical schools around the country.

A CONCLUSION

A Congressman can offer valuable assistance in the community's effort to attract doctors.

First. He can suggest methods for attacking the problem. Hopefully, this paper offers useful guidelines in approaching this problem.

Second. He can support legislation in the Congress which will help alleviate the doctor shortage.

Third. When communities are seeking Federal grants and loans for the improvement of hospitals and other health facilities, he can help facilitate the application and funding processes.

Fourth. He can aid communities in contacting the proper governmental and private officials.

Fifth. He can work with local officials in making the Ninth District a more attractive place in which to live.

Sixth. He can cooperate with State officials and medical personnel in attempting to improve Indiana's medical opportunities.

Seventh. In his contacts with undergraduate and graduate students, he can encourage them to pursue a career in medicine.

The shortage of medical personnel is one of Indiana's most pressing problems. It is especially acute in the Ninth District. It is my responsibility, as the Congressman representing the Ninth District of Indiana, to do all these things.

The solution, however, does not lie in a Congressman's office. He can only aid local citizens who are determined to improve the quality of health care in their community.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 5 minutes, today.

Mr. KUPFERMAN, for 30 minutes, August 9, 1966; and to revise and extend his remarks and include extraneous matter.

Mr. MCCULLOCH (at the request of Mr. KUPFERMAN), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. PIRNIE.

(The following Members (at the request of Mr. KUPFERMAN) and to include extraneous matter:)

Mr. LIPSCOMB.

Mr. MCCLORY.

Mr. HORTON.

(The following Members (at the request of Mr. JOHNSON of Oklahoma) and to include extraneous matter:)

Mr. GALLAGHER.

Mrs. SULLIVAN.

Mr. RANDALL.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7327. An act to amend a limitation on the salary of the academic dean of the Naval Postgraduate School; and

H.R. 14875. An act to amend section 1035 of title 10, United States Code, and other laws, to authorize members of the uniformed services who are on duty outside the United States or its possessions to deposit their savings with a uniformed service, and for other purposes.

ADJOURNMENT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, August 8, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2617. A communication from the President of the United States, transmitting the fourth report of the actions taken by Federal agencies, during the period January 1, 1966, through June 30, 1966, pursuant to the provisions of Public Law 88–451; to the Committee on Interior and Insular Affairs.

2618. A letter from the Chairman, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of June 30, 1966, pursuant to the provisions of Public Law 82–554; to the Committee on Interstate and Foreign Commerce.

2619. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 8, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on Owls Head Harbor, Maine, requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 19, 1960; no authorization by Congress is recommended as the desired improvement has been adopted for accomplishment by the Chief of Engineers under the provision of section 107 of the 1960 River and Harbor Act; to the Committee on Public Works.

2620. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report of the number of individuals in each general service grade employed by the National Aeronautics and Space Administration as of June 30, 1966, pursuant to the provisions of 65 Stat. 736, 758; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs. S. 2366. An act to repeal certain provisions of the act of January 21, 1929 (45 Stat. 1091), as amended (Rept. No. 1812). Referred to the Committee of the Whole House on the State of the Union.

Mr. POWELL: Committee on Education and Labor. H.R. 13161. A bill to strengthen and improve programs of assistance for our elementary and secondary schools; with amendment (Rept. No. 1814). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 6143. A bill to amend the Presidential Inaugural Ceremonies Act (Rept. No. 1816). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15706. A bill to amend section 5 of the act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases; with amendment (Rept. No. 1817). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8205. A bill to amend the act of July 11, 1947, to include members of the District of Columbia Fire Department in the Metropolitan Police Department band, and for other purposes; with amendment (Rept. No. 1818). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. EDMONDSON: Committee on Interior and Insular Affairs. H.R. 8699. A bill for the relief of Mule Creek Oil Co., Inc., a Delaware corporation; with amendment (Rept. No. 1813). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 16608. A bill to amend the charter of Southeastern University of the District of Columbia (Rept. No. 1815). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 16869. A bill to amend certain provisions of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, relating to landlords and tenants, and for other purposes; to the Committee on the District of Columbia.

By Mr. BOW:

H.R. 16870. A bill to amend title II of the Social Security Act to remove the limitation on the amount of outside income which an individual may earn while receiving benefits, and to provide that a woman who is otherwise qualified may become entitled to widow's insurance benefits without regard to her age if she is permanently and totally disabled; to the Committee on Ways and Means.

H.R. 16871. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder, and to provide that any such increases shall not be considered as income for purposes of determining eligibility for pension under title 38 of the United States Code (veterans' benefits); to the Committee on Ways and Means.

By Mr. DENT:

H.R. 16872. A bill to provide for the disposal, without regard to the prescribed 6-month period, from the national stockpile of nickel to meet needs of certain firms; to the Committee on Armed Services.

By Mr. HALPERN:

H.R. 16873. A bill to amend title XVII of the Social Security Act to permit payment thereunder, in the case of an individual otherwise eligible for home health services of the type which may be provided away from his home, for the costs of transportation to and from the place where such services are provided; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 16874. A bill to amend section 201 of the Agricutural Adjustment Act of 1938, as amended, in order to require the Secretary of Agriculture in certain cases to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products; to the Committee on Agriculture.

By Mr. MacGREGOR:

H.R. 16875. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. MURPHY of New York:

H.R. 16876. A bill to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs, make the use of appropriations under the act more more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year, extend the duration of the programs authorized by the act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 16877. A bill to establish a price support level for milk; to the Committee on Agriculture.

By Mr. ELLSWORTH:

H.R. 16878. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a tax credit for expenditures incurred in constructing such facilities and by permitting the deduction, or amortization over a period of 1 to 5 years, of such expenditures; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 16879. A bill to amend title 32, United States Code, to clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. KEITH:

H.R. 16880. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. MARSH:

H.R. 16881. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. TENZER:

H.R. 16882. A bill for the education and training of the handicapped; to the Committee on Education and Labor.

By Mr. CONTE:

H.J. Res. 1261. Joint resolution to authorize the President to proclaim the last week in October of each year as National Water Awareness Week; to the Committee on the Judiciary.

By Mr. WALKER of New Mexico:

H.J. Res. 1262. Joint resolution to authorize the President to proclaim the last week in October of each year as National Water Awareness Week; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.J. Res. 1263. Joint resolution to authorize the President to proclaim the 7-day period beginning on the second Sunday in August of each year as Willing Water Week; to the Committee on the Judiciary.

By Mr. KELLY:

H. Con. Res. 968. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Internal Revenue Service relating to elimination of tax-deductible educational expenses; to the Committee on Ways and Means.

By Mr. MOSS:

H. Con. Res. 969. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Internal Revenue Service relating to elimination of tax-deductible educational expenses; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts:

H. Res. 959. Resolution authorizing expenditures incurred by the Special Committee To Investigate Campaign Expenditures to be paid from the contingent fund of the House; to the Committee on House Administration.

By Mr. WHALLEY:

H. Res. 960. Resolution providing for a select committee of the House of Representatives to conduct an investigation to ascertain the reasons for the rapid rise in the prices of food, including dairy products; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 16883. A bill for the relief of William J. Hurley; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 16884. A bill for the relief of Laurence Bloom; to the Committee on the Judiciary.

By Mr. SICKLES:

H.R. 16885. A bill for the relief of Miss Mary Louise Nozet; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 16886. A bill for the relief of Mrs. Teodozja Stochmal; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

422. The SPEAKER presented a petition of Good Citizens Life Insurance Co., New Orleans, La., relative to opposition to any amendments exempting real estate brokers under title 4 of the Civil Rights Act of 1966, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Cal Poly and the Tournament of Roses

EXTENSION OF REMARKS
OF
HON. GLENARD P. LIPSCOMB
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, August 5, 1966

Mr. LIPSCOMB. Mr. Speaker, several weeks ago on June 13, it was my pleasure to join in the discussion on the floor of the House of Representatives about one of this Nation's most famous and enduring festivals, the annual Tournament of Roses, which is held on New Year's Day in Pasadena, Calif. One of the highlights of the tournament is of course the renowned Rose Parade. Each year the competition for outstanding float is an occasion for great activity and excitement. This aspect of the tournament alone represents many wonderfully interesting stories. One of these each year takes places on the Kellogg-Voorhis campus of California State Polytechnic College, at Pomona, Calif., in the congressional district it is my privilege to represent.

California State Polytechnic College has successfully competed in the Rose Parade for 18 years and has won a first prize in its class many times. This outstanding record is due to the energy, initiative, and ingenuity of the students at Cal Poly. Every aspect of the work is undertaken by the students, including the selection of the theme, the design and construction of the float, the growing of the flowers, and the placing of them on the float. Faculty advisers to the float committee do just that—they merely advise. All the planning and work is done by the students. The students contribute their time and it is estimated that over 3,500 man-hours of work are necessary to assemble a float each year.

The most elaborate part of the float is the placing of the flowers and this starts around December 29 and continues until early morning on New Year's Day. This year the students of Cal Poly had to place nearly 150,000 blooms of chrysanthemum, silver leaves, croton leaves, and carnations, and over 1,500 red roses on the float in the short period allowed.

Mr. Speaker, the students of California State Polytechnic College are to be commended for their industry and achievement, which has greatly contributed to the success of the entire Tournament of Roses each year and I would like to pay tribute to the students and their fine school.

National Drum and Bugle Corps Week

EXTENSION OF REMARKS
OF
HON. CORNELIUS E. GALLAGHER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, August 5, 1966

Mr. GALLAGHER. Mr. Speaker, the week of August 20–27 is National Drum Corps Week. All over the Nation, in the cities and towns where members of drum and bugle corps live, hundreds of thousands of Americans will join together in celebration.

Drum and bugle corps are for the young people of America; young men and women who eagerly support the motto: "Pageantry and Patriotism on the March." Their enthusiasm and high spirits are truly admirable as they combine their individual talents to bring pleasure to their State and local communities.

The art of the drum corps is an expression of order, color, symmetry, and beauty. It is an art which demands the highest measure of discipline; it is rigid and exacting. At the same time, its emotional impact is unequalled, with its brilliant color, pulsating rhythm, and brassy blare of syncopated jazz.

The group spirit of the young men and women who participate in drum and bugle corps all over America is truly admirable. They willingly devote many hours of their spare time in order that each appearance by their group meet the high standards they set for themselves. In their loyalty to their corps, and in their pride in the performance of their marching routines, these young people exhibit the finest qualities of American youth.

Participation in drum and bugle corps instills a sense of patriotism, responsibility, and maturity in America's young people. Therefore, I am sure that my colleagues join with me today in offering our commendation and full support to National Drum Corps Week.

Airline Strike

EXTENSION OF REMARKS
OF
HON. ROBERT McCLORY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, August 5, 1966

Mr. McCLORY. Mr. Speaker, I have received dozens of letters and telegrams urging congressional action to bring the airline strike to an end. Notwithstanding my conviction that labor and management require a maximum of freedom in which to engage in collective bargaining, I am likewise concerned about strikes which adversely affect the national interest such as the current strike of the machinists' union against United, TWA, Eastern, Northwest, and National Airlines.

Representing as I do a congressional district located near the great O'Hare Airport near Chicago, I have received communications from many airline employees who are thrown out of work as a result of the walkout by the machinists. These other employees are far greater in number than the machinists involved. In addition, of course, there are millions of Americans who are inconvenienced and whose economic welfare is impaired by the strike.

In dealing with the airlines, we are concerned with a regulated industry. Its rates, schedules, profits, indebtedness, and other aspects of its business and service are controlled by Federal and State regulatory agencies.

I am not advocating any specific legislative action. However, I am asserting that some appropriate and immediate action must be taken. Whether the Congress or the President is to act should not concern us as much as the interest of getting the airlines in operation again. We must submerge political considerations in promoting the national interest.

Mr. Speaker, I have communicated my support of appropriate legislation to the House Interstate and Foreign Commerce Committee. I indicate here publicly my support of appropriate and early action by this House. Every day of delay involves the loss of many millions of dollars in business profits and in wages, as well as in great individual inconvenience and economic detriment to the American public.

In addition to some immediate congressional action to effect assumption of airline service, I am hopeful that steps will be taken to provide effective machinery for avoiding similar strikes in this and other industries which, in my opinion, impair the entire system of free collective bargaining—and the great and overriding interest of the American public.

Tribute of Col. Emily C. Gorman, Retiring Director, Women's Army Corps

EXTENSION OF REMARKS
OF
HON. ALEXANDER PIRNIE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, August 5, 1966

Mr. PIRNIE. Mr. Speaker, on July 31, 1966, Col. Emily C. Gorman retired from the U.S. Army, ending a most distinguished military career, climaxed by outstanding performance as Director of the Women's Army Corps. It has been my privilege to know this most capable officer throughout her life since we were born in the same little village of Pulaski, N.Y. Therefore, I have followed with deep interest the accomplishments which have marked her steady rise in responsible leadership.

Colonel Gorman graduated from Pulaski Academy and then received her A.B. from Cornell University in 1931. Later she did graduate work in Syracuse University and Rochester University. After several years of teaching, she volunteered for military service soon after the attack on Pearl Harbor. She was accepted for officer's training at Fort Des Moines, Iowa, and was commissioned a second lieutenant in October of 1942. Early recognition of her administrative ability caused her to be assigned as chief of the administration school of the first WAAC training center. Subsequent assignments in planning and organization prepared her for duty as a general staff officer.

Some of her major assignments have included service as Assistant Chief of Standards Branch in the Office of the Surgeon General, Washington, D.C., in 1944; operations and training staff officer, Training Division of the U.S. Continental Army Command, Fort Monroe, Va., from 1957 to 1960; and as Assistant Chief of Foreign Military Training Division, Office of the Deputy Chief of Staff for Military Operations, Department of the Army, from 1960 until her appointment as Director, WAC.

During her 24 years of outstanding service, Colonel Gorman received significant military awards including the Army Commendation Medal, Women's Army Corps Service Medal, American Campaign Medal, European-African-Middle Eastern Campaign Medal, World War II Victory Medal, the Army of Occupation Medal, the National Defense Medal, and the General Staff Identification Badge, and upon her retirement the Distinguished Service Medal in recognition for her eminently meritorious service in leading the Women's Army Corps to its present position of prestige and outstanding effectiveness. As the citation so well stated:

Through her integrity, sound judgment, and gracious demeanor, she constantly projected a favorable image of the Women's Army Corps throughout both the civilian complex and the military community. Her professional ability and steadfast devotion to duty contributed materially to the defense effort of her country. Colonel Gorman's distinguished performance of duty represents outstanding achievement in the most honored traditions of the United States Army and reflects great credit upon herself and the military service.

Colonel Gorman retires from the service with the appreciation and respect of those who have observed her splendid performance. She has demonstrated in a very effective manner the role of women in defense efforts and has provided inspiration for those of her sex who undertake administrative or executive responsibilities.

The fine people of her hometown and of this entire area have watched her career with pride and affection. They join with all of us in congratulating this most capable officer on her distinguished service. We are confident that her great talents will continue to be used in some service to the Nation, in either public or private fields. She has our good wishes for health and happiness in all she undertakes.

It is also a great satisfaction to note that Colonel Gorman has been succeeded as Director of the Women's Army Corps by a truly outstanding officer, Col. Elizabeth P. Hoisington, whose family has a military record of unparalleled distinction. The colonel's father, now deceased, served as a colonel, her brother Perry M. Hoisington recently retired as a major general in the U.S. Air Force, her brother, Lt. Col. Robert H. Hoisington, and two brothers-in-law, Lt. Col. James E. Maertens and Lt. Col. Charles R. Smith, are presently on duty with the Army. We are fortunate indeed to maintain such leadership in this most important military activity.

U.S. Coast Guard

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, August 5, 1966

Mrs. SULLIVAN. Mr. Speaker, the U.S. Coast Guard has just celebrated its 176th anniversary. I would like to take this opportunity to salute the officers and men of this fine organization, our oldest continuous seagoing service.

Originally established by Secretary of the Treasury Alexander Hamilton as the Revenue Cutter Service, the Coast Guard started its meritorious duties in 1790 with 10 light, fast 50-foot schooners with the main purpose of protecting our coastal shores from smuggling. Activities have historically included wartime duties under the Department of the Navy and peacetime services under the Secretary of the Treasury. Both of these functions have been exemplified in the past year. July 20 marked the first anniversary of the initial arrival in Vietnam of the Coast Guard's "Market Time Patrol." In their function of detecting the infiltration of supplies to the south from the north the 26 Coast Guard vessels there cruised a half-million miles, and boarded 35,000 junks, intercepting many tons of ammunition, arms, food, and medicine, from delivery to the Vietcong.

In the past year they aided victims of Hurricane Betsy, the springtime Mississippi River floods, and the Cuban exodus—amounting to a saving of 15,000 lives and $1.9 billion in cargoes, or more than 4 times its annual budget.

As a member of the Coast Guard Subcommittee of the House Committee on Merchant Marine and Fisheries, I am proud of this outstanding service and happy to note this impressive anniversary. Mr. Speaker, the Coast Guard deserves our sincere congratulations.

Awards for Creative Salesmanship

EXTENSION OF REMARKS
OF
HON. WM. J. RANDALL
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, August 5, 1966

Mr. RANDALL. Mr. Speaker, salesmen play a most important role in our booming national economy.

On August 16, I had the pleasure of meeting three of the top salesmen of the United States. They were the charter members in the newly established Academy of Creative Salesmanship, one of whom—Otis Clift, of the M. S. White Candy & Tobacco Co., of Independence, Mo.—is a constituent. The principal owner of this company is Mike Zupanec, a resident of my home city of Independence and a lifelong friend. The other two men were John Cacciatore, of the Peter P. Dennis Co., of Phillipsburg, N.J., and B. A. Ravn, of the Seeman Co., in San Francisco.

These three salesmen were selected to be the very first members in the Academy of Creative Salesmanship after a grueling 6 months' competition among 7,286 salesmen representing the 50 States and Puerto Rico. Each of the three salesmen's performances during this period was audited by a committee of judges, with especial attention being paid to such aspects of a salesman's day as territorial coverage, fulfillment of quotas, securing of new accounts, and sales resourcefulness.

The Academy of Creative Salesmanship has been established under the aegis of the National Association of Tobacco Distributors, a trade association whose wholesaler membership services 1,522,000 retail outlets from coast to coast. Some of the products involved are tobacco products and accessories,

razors and shaving supplies, candy and confection items, paper goods, timepieces, dietetic foods, writing instruments, and photographic equipment.

Joseph Kolodny, managing director of the National Association of Tobacco Distributors, and Mr. W. B. Bennett, a staff assistant, accompanied these three topplace salesmen to Washington, where their induction into the academy took place.

They explained to me that the academy has been established to champion the cause of salesmen everywhere in the Nation, and to enhance the profession of the salesman as an honorable and a dignified one. The association is convinced that selling is accountable for the rapid growth and achievement of some 50 gigantic consumer product industries and that the heartbeat of our flourishing national economy is rooted in the record of accomplishment of the country's salesmen.

Mr. Kolodny, long a spokesman of the tobacco and allied products industries, stated recently:

The sales and movement of merchandise are basic and inherent in the American industrial system. As distributors, sales managers, and salesmen, our role in the scheme of things is that of selling, marketing, and merchandising. When these fundamental functions are belittled or misunderstood, our significance in the industrial spectrum, encounters similar circumstances. When the status of a profession is denigrated, it fails to attract the necessary new and qualified recruits. Creative salemanship has built this nation into the greatest and most powerful in the entire world. Creative salesmanship has paved the way for countless aspirants in the commercial, artistic, academic, and entertainment fields to achieve the pinnacle of fame, pre-eminence, and world renown. Creative salesmanship has provided and continues to provide maximum earning power and unlimited opportunity for growth in every sphere of legitimate endeavor. Throughout the entire course of American history, scarcely any recital of praiseworthy achievement omits reference to the names of individuals who have risen to the top by virtue of dogged determination and creative salemanship.

Following a presentation of $7,000 in scholarship funds for the higher education of the three salesmen's children, I asked Otis Clift of Independence, Mo., point blank: "Otis, what is a salesman?" Gentlemen, I found his answer both eloquent and enlightening.

Being a salesman today—

He said—

no matter what you are selling, means keeping your thumb on the pulse of trends in marketing. It is keeping up on changes in display techniques and learning how to make thoughtful and dignified sales presentations to prospective merchants. In many cases, it is a question of the salesman's having to educate the storekeeper. It is a lot of work, but it is good work. New accounts are extremely important to a salesman. Lose an account for any reason, you search for two new ones. I love my work. I have an intense interest in my customers and my company's welfare. If there are any other reasons for trying to be a good salesman I am not aware of them.

Gentlemen, I do not believe any of us should forget the importance of the country's corps of salesmen and their vital role in making this wonderful economy go. Accordingly, I would like to salute Mr. Clift of Missouri, Mr. Cacciatore of New Jersey, Mr. Ravn of California, and their thousands of fellow salesmen. I believe the Academy of Creative Salesmanship has taken a healthy and firm step to enhancing the stature of all of them and I hope the idea does not stop with the 30 consumer product industries associated with the National Association of Tobacco Distributors—but that it spreads.

The Nation's salesmen have long needed a rallying point and a reminder as to their importance, and I believe the association's Academy of Creative Salesmanship will serve these needs admirably.

Horton Cites Potential Privacy Invasion by Proposed Central Data System

EXTENSION OF REMARKS
OF
HON. FRANK HORTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, August 5, 1966

Mr. HORTON. Mr. Speaker, as the ranking and only minority member of the Special Subcommittee on the Invasion of Privacy of the Government Operations Committee, I am acutely aware of the concern which has been created by the proposal for a computer data center, the subject of our subcommittee's hearings on July 26 to 28. I was particularly impressed with the editorial "Too Personal by Far" which appeared in the Wall Street Journal this morning. This article accurately accounts the concern of our subcommittee's capable chairman, the gentleman from New Jersey [Mr. GALLAGHER], and of a Congressman ROSENTHAL, and myself.

Because of the precautionary value of the editor's comments, I want to bring it to the attention of my colleagues. The text of the editorial follows:

TOO PERSONAL BY FAR

"Monster," "octopus," "a great, expensive electronic garbage pail"—these are among the choicer epithets members of Congress are hurling at the Federal Government's plan to set up a central "data bank" containing lots of information on each and every one of us. In this newspaper's view, the scheme deserves the abuse.

The proposed National Data Center is being pushed by the Budget Bureau ostensibly for the sake of efficiency; centralizing, coordinating and expanding information in the files of various Federal agencies would make the stuff easier to handle and get at. Which, according to a good many opinions expressed at the recent hearings of a House subcommittee, is a large part of the trouble.

The group's chairman, Rep. CORNELIUS GALLAGHER of New Jersey, noted that the pooled information could include a man's schooling, grades, personality traits, credit rating, income, employment and "practically any other aspect of his life." Such a wealth of information in Federal hands is frightening enough, Mr. GALLAGHER thinks, but to make it worse computers are untrustworthy guardians for it.

As a couple of witnesses explained it, the machines lack judgment; they can't take account of changes in people or their motivations or extenuating circumstances in their behavior. Yale Professor Charles Reich observed that information gets less reliable the further it gets from its source in time and distance and is ultimately "petrified" in computers.

The more fundamental objection, of course, is that a central data bank would be a flagrant invasion of privacy and hence an affront to individual liberties. Both Congressmen and several witnesses cited the danger of its getting out of hand and being used for evil purposes.

Federal spokesmen naturally are concerned to change the unfavorable image of their pet project; a Budget Bureau consultant, for example, insisted that the public's idea of the data center computers as some kind of all-seeing Orwellian Big Brothers is nonsense. The rebuttals, though, are anything but reassuring.

Thus the consultant argued that the machines could be told not to blurt out confidential information and could be taught to disguise identities with a special code and sort out trick questions that pose as statistical inquiries but are actually intended to elicit information about individuals.

The disturbing thing about the explanation is that if the machines can be taught all those lessons, somebody has to do the teaching—namely, Government officials would be programing the computers. In other words, if the officials were so inclined they could reverse the safeguards allegedly built in. Depending on who was in control, the machines could indeed become Big Brothers.

We do not suggest that many officials would attempt to abuse the power. Yet the fact is that even as it is, Federal agencies have been known to harass individuals or businesses, just as some of them have not been above electronic prying and other violations of privacy.

In any event, it is a cardinal requirement of a free society that the people do not entrust their liberties to the whims of men in power but rely rather on wise laws to protect them from oppression. Unfortunately, this principle has been much eroded in recent years, and its degeneration tells a good deal about what is wrong in the relationship between individual and Government today.

What is chiefly wrong is that the people have permitted their Government to grow so excessive in size and power that it can hardly help being a threat to them even if it doesn't want to. A Government that taxes so hugely and harshly must acquire a vast amount of information about the citizens. A Government that seeks to subsidize practically every segment of the population must acquire still more. No one can safely assume the information will not be harmfully employed.

Bigness being the trend, we see little likelihood that the Federal obsession with accumulating personal information will be curbed in any near future. But at least it need not be further encouraged. Congress should promptly and emphatically dispatch the Budget Bureau's incipient octopus.

Mr. Speaker, I would also like to take this opportunity to let my colleagues know my personal expression of concern about this proposal. I am extending my remarks to include the statement I made at the opening of our subcommittee's hearings on the computer data center:

STATEMENT AT THE OPENING OF HEARINGS BY THE SPECIAL SUBCOMMITTEE ON INVASION OF PRIVACY OF THE HOUSE GOVERNMENT OPERATIONS COMMITTEE

Mr. Chairman the mission of this Subcommittee, investigating instances of individual

privacy invasion caused by or contributed to as the result of Federal Government action, is important and timely. Clearly, our experiences and endeavors of the past year, have proved this point. And, I feel your exposition of the Subcommittee's work sets forth with special significance the wisdom of Chairman DAWSON in chartering this Subcommittee.

Privacy, as a fundamental freedom of the American citizen, is an unquestioned Constitutional right. That this Subcommittee, through examination and exposure, has curbed a brand of overzealousness on the part of certain Government agencies to overlook this right in personality testing is a notable example of the inherent protections to be found in our Federal system of checks and balances.

As significant as those earlier hearings were, I have become convinced that the magnitude of the problem we now confront is akin to the changes wrought in our national life with the dawning of the nuclear age. Proposals to gather in one central location or in one giant data bank all the information which Federal agencies amass on the citizens of this country are sufficiently filled with possibilities for privacy invasion that I believe it is eminently proper for our Subcommittee to conduct this investigation.

These data bank concepts are a product of modern technology. Today, the computer is a central figure in our society. The increasing rate at which it will change our lives exceeds the imagination, exceeds even the imagination of the computermen who foster it. Dr. Jerome B. Wiesner, Dean of Science at MIT and former science advisor to President Kennedy, has said:

"The computer, with its promise of a million-fold increase in man's capacity to handle information, will undoubtedly have the most far-reaching social consequences of any contemporary technical development. The potential for good in the computer, and the danger inherent in its misuse, exceed our ability to imagine . . . We have actually entered a new era of evolutionary history, one in which rapid change is a dominant consequence. Our only hope is to understand the forces at work and to take advantage of the knowledge we find to guide the evolutionary process."

We will be fortunate if we are able to keep these processes "evolutionary" and not "revolutionary."

Assuming the best for a moment, let us regard our computer systems as good and fair and the computerman behind the console as honest and capable. Even in these circumstances, there is danger that computers, because they are machines, will treat us as machines. They can supply the facts and, in effect, direct us from birth to death.

They can "pigeon hole" us as their tapes decree, selecting, within a narrow range, the schooling we get, the jobs we work at, the money we can earn and even the girl we marry.

It is not enough to say "It can't happen here"; our grandfathers said that about television.

Now, let us compound the concern. Assuming a computerman who was dishonest, unscrupulous or bent on injury, there would be nothing sacred. We could be destroyed!

Admiral Hyman Rickover has expressed a fundamental concept concerning these problems; he states that we must realize that the power of these computers is *technology*, and technology must serve man; man must never blindly accept technology, he must take up the challenge and control it. It is a force he has to master and use to his benefit.

The Admiral exhorts us to be faithful to individual basic values, to preserve our right of privacy and independence and to bend this fantastic new technology to our principles. It is the function of law givers, in Admiral Rickover's view, to set the limits within which computermen can operate. He makes it clear that this is not a limit on science or knowledge but only on our use of knowledge and technology.

The concept of such control is ancient. Fire controlled is our friend; uncontrolled it is devastating. The wheel is man's servant and yet his greatest exterminator. The computer is another two-edged sword. It will take more than the controls of the "horse-and-buggy" days to use computers for our benefit and yet keep them from making shreds of human dignity, privacy, and freedom.

To provide an example, despite the flood of technical language some government consultants use to camouflage their recommendations, the fact remains that a central data service bank would require:

One, that confidential information now in government files would be forwarded to a new group and use for other purposes than it was originally given; and

Two, that a new group would have the code and would know the names, addresses and background of the people submitted the confidential information.

Tying the two together would be an easy matter.

It is held that personal dossiers are not intended, but no thoughtful computerman can deny that they are a logical extension of present plans. I am pleased to say that computermen as a group are deeply concerned with the problem of controlling information storage and retrieval so that no one ever will be able to take away our basic freedoms through these means.

One last point: the argument is made that a central data bank would use only the type of information that now exists and since no new principle is involved, existing types of safeguards will be adequate. This is fallacious. Good computermen know that one of the most practical of our present safeguards of privacy is the fragmented nature of present information. It is scattered in little bits and pieces across the geography and years of our life. Retrieval is impractical and often impossible. A central data bank removes completely this safeguard.

I have every confidence that ways will be found for all of us to benefit from the great advances of the computermen, but those benefits must never be purchased at the price of our freedom to live as individuals with private lives.

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 8, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Love bears all things, believes all things, hopes all things, endures all things.—1 Corinthians 13: 7.

O God, fount of all that is good and true and beautiful, whose love endures forever, we thank Thee for the reverence which lifts our hearts to what is real, and for the love of home that reflects Thy gracious spirit. Bless, we pray Thee, those whom Thou hast joined together. May their consecration be beautiful and everlasting.

We invoke Thy blessing upon our labors this day that we may help to build a better world in which men and women can live together in peace and good will and in which their children may grow into fuller manhood and finer womanhood. Teach us that only through love can we begin to perceive the divine mysteries of life and the true glory of man's relationship to man.

Blest be the tie that binds our hearts in steadfast love; the fellowship of kindred minds is like to that above. In the dear Redeemer's name. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, August 5, 1966, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 26, 1966:

H.R. 15860. An act to establish the District of Columbia Bail Agency, and for other purposes.

On July 27, 1966:

H.R. 14888. An act to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate in screw-worm eradication in Mexico.

On August 1, 1966:

H.R. 318. An act to amend section 4071 of the Internal Revenue Code of 1954.

On August 4, 1966:

H.R. 1407. An act for the relief of Leonardo Russo;

H.R. 1414. An act for the relief of Jacobo Temel;

H.R. 4083. An act for the relief of Mr. Leonardo Tusa;

H.R. 4437. An act for the relief of Bryan George Simpson;

H.R. 4458. An act for the relief of Michel Fahim Daniel;

H.R. 4584. An act for the relief of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski);

H.R. 4602. An act for the relief of Maj. Donald W. Ottaway, U.S. Air Force;

H.R. 7508. An act for the relief of Guiseppe Bossio;

H.R. 8317. An act to amend section 116 of title 28, United States Code, relating to the U.S. District Court for the Eastern and Western Districts of Oklahoma;

H.R. 8865. An act for the relief of Ronald Poirier, a minor; and

H.R. 11718. An act for the relief of Jack L. Philippot.

On August 5, 1966:

H.R. 139. An act to provide for the striking of medals to commemorate the 1,000th anniversary of the founding of Poland; and

H.R. 14324. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3421. An act to authorize the Secretary of Agriculture to convey certain lands and